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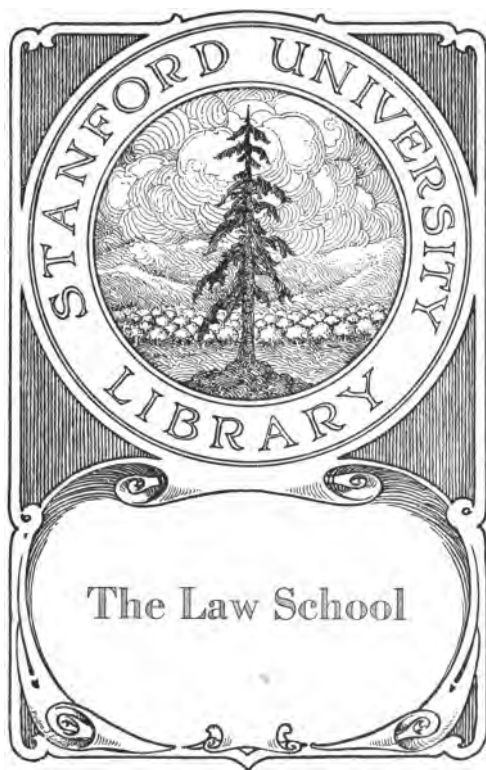
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Ohio Counties...

1

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3

ACTS OF A GENERAL NATURE
AND
LOCAL LAWS AND JOINT RESOLUTIONS,

PASSED BY THE
FIFTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF OHIO,

AT ITS FIRST SESSION,
BEGUN AND HELD IN THE CITY OF COLUMBUS,

JANUARY 2, 1860,
AND IN THE FIFTY-EIGHTH YEAR OF SAID STATE.

VOLUME LVII.

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1860.

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UNCLASSIFIED

ACTS OF A GENERAL NATURE.

AN ACT

Making partial appropriations for the year one thousand eight hundred and sixty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, be, and the same are hereby appropriated out of any money in the state treasury for general revenue purposes, to be paid according to law, for the year eighteen hundred and sixty:

Appropriation.

For the payment of the lieutenant governor, as president of the senate, members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, their assistants, and messenger boys, forty thousand dollars;

General assembly.

For the contingent fund of the auditor of state, five hundred dollars; for the contingent fund of the treasurer of state, one thousand dollars; for the contingent fund of the librarian, one hundred dollars; for the contingent fund of the state commissioner of common schools, one hundred dollars;

Contingent funds of auditor, treasurer, state librarian, and school commissioner.

For the asylum for the education of idiotic and imbecile youth, five hundred dollars;

Idiot asylum.

For the salary of the clerk of the commissioner of common schools, two hundred and fifty dollars;

Clerk school commissioner.

For the payment of printing of the state and executive departments, and of the laws, journals, documents, reports, and other work, ordered by the legislature, twelve thousand dollars;

Printing.

For the payment of the contract for two hundred copies each of the seventeenth, eighteenth and nineteenth volumes of Ohio reports, twelve hundred and forty-eight dollars;

Ohio reports, vols. 17, 18, and 19.

For the payment of the costs of prosecution, conviction and transportation of convicts to the Ohio penitentiary, fifteen thousand dollars;

Convicts' costs.

For binding the laws, journals, documents, reports, and other work ordered by the legislature, two thousand dollars;

Binding.

Secretary of
school com-
missioner.

For the payment of the salary of the secretary of the commissioner of common schools for the year 1859, the sum of three hundred dollars.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

January 17, 1860.

AN ACT

To amend section 490 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

When judgment shall operate as lien upon real estate.

Revivor of dormant judgment of justice of the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 490 of the act entitled "an act to establish a code of civil procedure," passed March 2, 1853, as heretofore amended, be now so amended as to read as follows: Section 490. Such judgment, if the transcript shall be filed in term time, shall have a lien on the real estate of the judgment debtor from the day of filing; if filed in vacation, as against the debtor it shall have a lien from the day of filing, but as against other transcripts filed in vacation, and judgments rendered at the next term of the court of common pleas, it shall have a lien only from the first day of the next term of said court, and any judgment of which a transcript has been filed as aforesaid, whatever may be the amount thereof, which shall have heretofore or which may hereafter become dormant by reason of the death of either of the parties thereto, or from any other cause, may be revived by the court of common pleas of the county in which the transcript has been or may be filed, in like manner as dormant judgments rendered by such court may be revived, and the revivor thereof shall have the same force and effect as the revivor of a judgment rendered by the court of common pleas.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

January 25, 1860.

AN ACT

To amend an act entitled "an act to amend the sixteenth section of an act entitled an act relating to the organization of courts of justice, and their powers and duties," passed February 19, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows: Section 1. That in every instance where a judge of the court of common pleas is or shall be interested in the event of any cause, proceeding, motion, or matter pending before the said court, in any county of his district, or when there shall not be a quorum of the judges of the district court of any district, by reason of interest, on affidavit of either party to said cause, proceeding, motion or matter pending, or his counsel, showing the fact of such interest, it shall be the duty of the clerk of said court to enter upon the docket thereof, an order directing that the papers and all matters belonging to said cause, motion, proceeding or matter pending, in which said judge of the court of common pleas or of said district court is interested, if in the district court, shall be transmitted to the clerk of the court of a county of one of the adjoining districts; if in the court of common pleas, then to the clerk of the court of common pleas of an adjoining county of another subdivision, where practicable, of the same district; where not, then to an adjoining county of another district; and when a copy of said docket entry, together with all the files belonging to said cause, motion, proceeding or matter pending, shall be filed with the clerk of the court to whom the same may be transmitted, said clerk shall docket said cause, motion, proceeding or matter pending, and thereupon the same shall proceed to final judgment or determination, in all respects as though the same had been originally commenced in said court last mentioned.

Proceedings
where judge of
common pleas
is interested in
a cause.

SEC. 2. Section one of an act to amend the sixteenth section of an act entitled "an act relating to the organization of courts of justice, and their powers and duties," passed February 19, 1852, be and the same is hereby repealed. This act shall take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

January 25, 1860.

AN ACT

Swan's Rev.
Stat. 877.

Amending section two of an act entitled "an act further defining the duties of sheriffs and coroners," passed March 1, 1838.

Sheriff to keep
foreign execu-
tion docket,
and make cer-
tain entries
therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be so amended as to read as follows: Sec. 2. That there shall be kept in the office of the sheriff of each county of this state, a foreign execution docket, to be furnished at the cost of the county, in which docket the sheriff or coroner shall, on the receipt by him of any execution, order of sale, or other process issuing from any court of any county of this state, other than that in which he resides, make an entry of the date of such writ, when received by him, from what court and county issued, the date and amount of judgment or decree. Also, copy in such book the full description of the property and real estate which he shall levy upon or offer for sale, the same as is indorsed upon or contained in said writ. Also, copy into said book his return on such writ, when he makes the same, including the bill of costs; and shall, for the use of the persons entitled to the same, retain all fees due in such cases to residents of his county, and pay the same over on demand to such persons, and shall make a direct and reverse index of each case so entered; and such entries so made, shall be notice to subsequent purchasers and creditors of the matters contained therein.

SEC. 2. That said original section two be and is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

January 25, 1860.

AN ACT

To amend the 37th section of the act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 5th, 1859.

56 Laws 193.

Abstracts and
statements to
be made by
county audi-
tors annually.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section 37 of the above recited act be so amended as to read as follows: Section 37. Each county auditor, on or before the first day of October, annually, shall make out and transmit by mail to the auditor of state a complete abstract of the duplicate of his county, which shall state the aggregate value of the taxable property and the total amount of taxes for all purposes assessed thereon for that

year; he shall, at the same time, also make out and transmit to the auditor of state an abstract of the number and value of each of the enumerated articles, the value of merchants and manufacturers' stock, and the value of all other personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and the value of all other articles of personal property as returned by the township assessors, or as fixed by the county board of equalization; said abstracts shall be made out in such form, and the statements shall contain such details, as the auditor of state shall prescribe.

SEC. 2. That the said original section thirty-seven be and the same is hereby repealed, and that this act take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

January 26, 1860.

AN ACT

To amend section 10 of an act entitled "an act establishing boards of county commissioners, and prescribing their duties," passed March 12, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 10 of the above recited act be so amended as to read as follows: Section 10. That, at the September session, the commissioners shall examine and compare the accounts and vouchers of the county auditor and treasurer, count the funds in the treasury, and direct the auditor to publish an exhibit of the receipts and expenditures for the past year.

Swan's Rev.
Stat. 161.

Duties of county commissioners.

SEC. 2. That original section 10 of said act be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 8, 1860.

AN ACT

Making partial appropriations for the year 1860.

Appropriation.

O. Cent. Lun. Asylum.

N. & S. Lun. Asylum.

D. & D. Asylum.

Blind Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and are hereby appropriated out of any moneys in the treasury not otherwise appropriated, viz :

For the current expenses of the Ohio Central Lunatic Asylum, five thousand dollars.

Sec. 2. For the current expenses of the Northern and Southern Lunatic Asylums, five thousand dollars each.

Sec. 3. For the current expenses of the Deaf and Dumb Asylum, five thousand dollars.

Sec. 4. For the current expenses of the Blind Asylum, five thousand dollars.

Sec. 5. This act shall be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

February 8, 1860.

AN ACT

To amend section forty-one of an act "for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 5, 1859.

36 Laws 194.

Abstracts of real property by county auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-one (41) of the above recited act be so amended as to read as follows : Section 41. Each county auditor shall, on or before the second Monday of October, one thousand eight hundred and sixty-five, and every sixth year thereafter, make out and transmit to the auditor of State an abstract of the real property of each township in his county, in which he shall set forth—First, the number of acres, exclusive of town lots, returned by the several assessors of his county, with such additions as shall have been made thereto ; second, the aggregate value of all such real property, other than town lots, as returned by the several assessors of his county, inclusive of such additions as shall have been made thereto under the provisions of this act ; third, the aggregate value of the real property in each town in his county, as returned by the several assessors, with such additions as shall have been made thereto.

Sec. 2. That section forty-one of the above recited act be and the same is hereby repealed.

Sec. 3. This act shall be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 10, 1860.

AN ACT

Supplementary to the act entitled "an act to provide for the re-organization supervision and maintenance of common schools," passed March 1, [14,] 1853. Swan's Rev. Stat. 536.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any board of education, organized under the act passed March 1, [14,] 1853, entitled "an act to provide for the re-organization, supervision and maintenance of common schools," or organized under the act passed February 21, 1849, entitled "an act for the better regulation of the public schools in cities, towns, &c.," in every case where it may be necessary, to procure a school house site, and the said board of education and the owner thereof shall be unable, from any cause, to agree upon the sale and the purchase thereof, to make out an accurate survey and description of the parcel of land which the said board of education may desire to appropriate for school house purposes, and file the same with the probate judge of the proper county, and thereupon the same proceedings of appropriation shall be had which are provided for by the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and the various acts amendatory and supplementary thereto.

Boards of education authorized to condemn school house sites.

Sec. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 10, 1860.

AN ACT

Swan's Rev. Stat. 314. Supplementary to the act to give additional security to land titles in this state, passed March 22, 1849.

Where deed and acknowledgment are upon separate sheets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any deed, mortgage, lease, or other instrument of writing intended to convey or incumber any real estate, or any interest therein heretofore or hereafter executed, may not have been or shall not be printed or written on a single sheet, or whenever the certificate of acknowledgment thereof may not have been or shall not be printed or written on the same sheet on which said deed, mortgage, lease, or other instrument of writing may be printed or written, and such defective conveyance shall be corrected by the judgment of a court, or of the voluntary act of the parties thereto, such judgment, or the instrument correcting the same, shall relate back so as to take effect at and be operative from the time of filing the original conveyance in the recorder's office.

SEC. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

February 10, 1860.

AN ACT

Swan's Rev. Stat. 232. Supplementary to an act to provide for compensation to the owners of private property appropriated to the use of corporations, passed April 30, 1852.

Railroads crossing navigable water near same point to use same bridge.

Mode of appropriating use of bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever it becomes necessary for two or more railroads to cross any of the navigable waters of this state, at or near the same point, by draw or swing bridge, said roads shall, if practicable, use one and the same bridge and approaches thereto; and in case the companies owning or controlling and those desiring to use such bridge and approaches, cannot agree upon the terms and regulations upon which said bridge shall be used as above, then the right to use any bridge and approaches, or other similar structure already constructed by a railroad company for its own use, may be appropriated by any other railroad company, to be enjoyed in common with the company owning the same, in accordance with the provisions of the law in force authorizing the appropriation of private property to the use of corporations.

SEC. 2. The statement required to be filed, containing a specific description of the rights sought to be appropriated in such cases, shall, as near as may be, set forth the regula-

What statement to contain.

tions according to which the joint use of said bridge and approaches, or other structure, shall be regulated; and in case the reasonableness of the same or any part thereof shall be denied by the defendant in said proceedings, the court shall hear and determine the said issue, and enter on record its finding and order thereon, confirming or altering said regulations as it may deem just and reasonable, subject to exceptions and reversal for error by the court of common pleas on petition filed for that purpose; and the order of the court fixing said regulations shall be made before the jury are impaneled to assess the amount of compensation for the right sought to be appropriated; which compensation shall be a sum equal to the annual value of such use, to be paid quarterly each year, in advance, while the same shall continue.

Further proceedings.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 10, 1860.

AN ACT

To repeal section six of the act entitled "an act for the regulation of the public works of the state of Ohio," passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six of the above recited act, be 55 Laws 113.
and the same is hereby repealed.

SEC. 2. This act to take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 13, 1860.

AN ACT

Making appropriations in part for the year 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money in the treasury, belonging to the sinking fund, for the expenses of the transfer office in New York, and the salary

Appropriation
Transfer of
fee.

366561

YNA981 080784

ACTS OF A GENERAL NATURE.

AN ACT

Making partial appropriations for the year one thousand eight hundred and sixty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, be, and the same are hereby appropriated out of any money in the state treasury for general revenue purposes, to be paid according to law, for the year eighteen hundred and sixty :

Appropriation.

For the payment of the lieutenant governor, as president of the senate, members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, their assistants, and messenger boys, forty thousand dollars ;

General assembly.

For the contingent fund of the auditor of state, five hundred dollars ; for the contingent fund of the treasurer of state, one thousand dollars ; for the contingent fund of the librarian, one hundred dollars ; for the contingent fund of the state commissioner of common schools, one hundred dollars ;

Contingent funds of auditor, treasurer, state librarian, and school commissioner.

For the asylum for the education of idiotic and imbecile youth, five hundred dollars ;

Idiot asylum.

For the salary of the clerk of the commissioner of common schools, two hundred and fifty dollars ;

Clerk school commissioner.

For the payment of printing of the state and executive departments, and of the laws, journals, documents, reports, and other work, ordered by the legislature, twelve thousand dollars ;

Printing.

For the payment of the contract for two hundred copies each of the seventeenth, eighteenth and nineteenth volumes of Ohio reports, twelve hundred and forty-eight dollars ;

Ohio reports, vols. 17, 18, and 19.

For the payment of the costs of prosecution, conviction and transportation of convicts to the Ohio penitentiary, fifteen thousand dollars ;

Convicts' costs.

For binding the laws, journals, documents, reports, and other work ordered by the legislature, two thousand dollars ;

Binding.

What parties
shall not be
allowed to
testify.

party shall be allowed to testify by virtue of section three hundred and ten, when the adverse party is the guardian of an idiot, or a lunatic, or of a deaf and dumb person, or the executor or administrator of a deceased person, or the guardian of a child or children of a deceased person, when the facts to be proved transpired before the death of such deceased persons, except in suits upon contracts which shall have been entered into by deceased persons, by agents, in which cases, if the agent be a witness, the opposite party may testify as to all that transpired between such party and the agent in relation to such contract, and the making of the same; excepting, also, cases where the claim or defense is founded on book account, then the party shall be permitted to testify that the entries are in his handwriting, that the book containing the same is his book of original entries, and if the original entries in said book of accounts have been made by a person who at the time of such trial is deceased, or a disinterested person, who is a non-resident of the state, on proof of such decease or non-residence, and that said entries are in the handwriting of such person, or such proof by the party as hereinbefore provided, then it shall be competent to admit said book of original entries as evidence, the weight to be given to such evidence in either case, however, being left to the court or jury to determine; and in all actions by or against a surviving partner, or partners, or a surviving joint contractor or contractors, any party to the action shall be incompetent as a witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor, in the absence of his surviving partner or joint contractor. The deposition of a party shall not be used in his own behalf, unless the legal notice required in the cases where depositions are to be taken shall also specify that the deposition to be taken is that of the party; provided, that if the deposition of a party be taken in any pending suit, and such party shall die before the trial thereof, it shall be lawful for the opposite party to testify as to all matters contained in said deposition.

SEC. 2. This act to take effect from and after its passage, and section 313 of the "act to establish a code of civil procedure," as amended by the act of April 12, 1858, is hereby repealed.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

To amend "an act to establish the superior court of Cincinnati," passed April 7, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in actions for the recovery of real property brought in any superior court in this State, the party against whom judgment is rendered, may at any time during the term at which judgment is rendered, demand another trial by notice on the journal, and thereupon the judgment shall be vacated, and the action shall stand for trial at the next term. No further trial can be had in such action unless for good cause shown, as in other actions.

New trial in
real actions.

Sec. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

RICHARD A. HARRISON,

President pro tempore of the Senate.

March 3, 1860.

AN ACT

To regulate the responsibility of inn-keepers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no inn-keeper in this state, who shall constantly have in his inn an iron safe, or suitable vault in good order and fit for the safe custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones and bullion, and who shall keep a copy of this act, printed by itself, in large plain English type, and framed, constantly and conspicuously suspended in the office, bar room, saloon, reading, sitting and parlor room of his inn, and also a copy, printed by itself, in ordinary sized plain English type, posted upon the inside of the entrance door of every public sleeping room of his inn, shall be liable for the loss of any such article aforesaid suffered by any guest, unless such guest shall have first offered to deliver such property lost by him to such inn-keeper for custody in such iron safe, and such inn-keeper shall have refused or omitted to take it and deposit it in such safe for its custody, and to give such guest a receipt therefor; but every inn-keeper shall be liable for any loss of the above enumerated articles by a guest in his inn, caused by the theft or negligence of the inn-keeper or of any of his servants, anything to the contrary thereof in this act notwithstanding.

How inn keep-
er may escape
liability for
loss of articles.

When he shall
be liable.

Sec. 2. That if any inn-keeper shall embezzle or convert to his own use, or fraudulently take, make way with or secrete, with intent to embezzle or fraudulently convert to his own use, without the consent of his guest, any money,

Penalty for
embezzlement.

bank notes, jewelry, articles of gold or silver manufacture, precious stones or bullion, delivered to such inn-keeper by his guest for safe custody, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article or articles so embezzled, taken or secreted.

SEC. 3. This act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

Relating to cities of the first class having a population exceeding eighty thousand inhabitants.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the first class having a population exceeding eighty thousand inhabitants, shall, in addition to the taxes which said city council is now by law authorized to levy, be and the same is hereby authorized to levy on each dollar of the assessed value of the taxable property of such city, to defray the expenses of lighting the same, a tax not to exceed one-half mill annually; and for the purpose of re-building and enlarging the site of a hospital, a tax not exceeding one mill in any one year; provided, the whole amount raised for such purpose shall not exceed two hundred and twenty-five thousand dollars.

May levy tax
for lighting
city, and for
hospital.

Proviso.

Grounds for
hospital.

SEC. 2. The council of said city are hereby authorized to re-purchase any ground heretofore sold and formerly belonging to the site of said hospital, and to pay for the same out of the said sum of two hundred and twenty-five thousand dollars.

Hospital.

Commission-
ers to be ap-
pointed.

SEC. 3. That when the council of said city have determined to re-build said hospital, it shall be the duty of the city solicitor to file a petition in the superior court of said city, if such there be, or in the court of common pleas of the county, praying that the judges thereof will appoint three commissioners; and it shall be the duty of said judges so to appoint and to cause the same to be entered on the minutes of the court; vacancies in the office of commissioners shall be filled in the same way.

Powers and
duties.

SEC. 4. The said commissioners shall constitute a board, to be called the "hospital commissioners," who are hereby authorized to erect on the site herein provided for a suitable building for a hospital. They shall have power to

appoint and fix the compensation of a clerk, an architect, and a superintendent of the work, and to make all contracts for the execution of the same. No money shall be drawn for the erection of the said hospital otherwise than on the allowance of said board, and upon the warrant of the city auditor.

SEC. 5. The said board shall keep a record of their proceedings, and it shall be essential to the validity of every contract entered into or order made by them, that the same shall have been assented to at a regular meeting of the board, and entered on the minutes of their proceedings by their clerk. They shall receive no compensation for their services, and shall not be directly or indirectly interested in any contract concerning said building.

To keep record of proceedings.

Receive no compensation.

SEC. 6. The said city council shall transfer to the said board any plans, specifications, detailed drawings and proposals that said council may have procured before their appointment. And it shall be the duty of said board to consider the same, and upon their adoption of the said plans, or any material part thereof, they shall have power to contract for the erection of said hospital thereon, with the lowest bidder, as shown by the said proposals; provided, that the cost shall not exceed the amount herein provided for that purpose.

To take charge of plans, &c.

Contract for building.

SEC. 7. If the said board determine not to adopt said plans, or any material part thereof, it shall be their duty before advertising for proposals, to cause plans, specifications, and full sized detail drawings and forms of bids to be prepared by the architect, and when adopted by them they shall have the said plans and drawings lithographed, and, together with the specifications and forms of bids, printed for distribution to bidders. They shall, likewise, cause to be prepared by the city solicitor, and have printed, a form of contract and bond.

Preliminaries before advertising for proposals.

SEC. 8. All contracts shall be made in the name of the city, and it shall be stipulated therein that the contractor will not execute any extra work, or make any modifications or alterations of the work mentioned in the specifications and plans, unless ordered in writing by the board, and that he will not claim pay for the same unless such written order be given. Copies of the said plans and drawings, attested by the contractor, and the original bids, specifications and contracts, shall be deposited in the city auditor's office immediately on the contract being entered into.

Contracts, and stipulations therein.

SEC. 9. The said board shall not make any contract for work or materials except as provided in the sixth section, without first causing thirty days notice to be given in one or more newspapers of general circulation in said city, that proposals will be received for doing the work or furnishing the materials; and they shall enter into contract with the

Mode of giving notice, and determining successful bidder.

lowest responsible bidder, upon his giving bond to the city, with security, to be approved by them, that he will perform such work or furnish the materials, in accordance with his contract; and on failure of such bidder, within a reasonable time, to be fixed by the board, to enter into bond, with the security aforesaid, then a contract may be made with the next lowest responsible bidder, and so on, until a contract is made, the contractor giving bond as aforesaid. All bids shall be sealed up and deposited with the clerk of the board, and shall be opened in their presence at a regular meeting.

Purchasing public parks, and constructing buildings. SEC. 10. Whenever the city council of such city shall determine to purchase, improve, or lay out any public ground or park, or to construct any public work or building which they are now or may hereafter be authorized by law to purchase, improve, lay out or construct, they shall pass a resolution to that effect, and thereupon the mode of proceeding provided in the third, fourth, fifth, seventh, eighth and ninth sections of this act shall be pursued as far as applicable.

Disabilities of trustees city council. SEC. 11. No trustee of the city council shall be eligible as a commissioner, architect or superintendent, nor shall any such trustee, during the term for which he shall have been elected, or for one year thereafter, be appointed to any office of said city which shall be created, or the emoluments of which shall have been increased during the term for which he shall have been elected.

Disabilities of council. SEC. 12. The city council of such city shall make no contracts, nor authorize any to be made, subject to their approval, nor shall they exercise any appointing or approving power, but the appointment of officers and filling vacancies in office; and the making of contracts, shall be provided for by ordinance. The trustees of said city council shall receive no compensation for their services.

Duties of city solicitor. SEC. 13. It shall be the duty of the city solicitor to apply to a court of competent jurisdiction for an order to restrain the misapplication of the funds of the city, or the abuse of its corporate powers, or the execution or performance of any contracts made on behalf of said city, in contravention of the laws or ordinances governing the same, or which was procured by fraud or corruption; and in case the city solicitor shall fail, upon the request of any of the tax payers thereof, so to apply, it shall be lawful for such tax payer to institute an action in his own name on behalf of the city; and if the court hearing such action shall be satisfied that such tax payer had good cause to believe that his allegations were well founded, and the same are sufficient in law, he shall be allowed his costs, including a reasonable compensation to his attorneys.

Penalty. SEC. 14. The board of city improvements of said city shall have power to employ pavers and laborers to repair streets, and it shall be the duty of said board to keep in repair all streets, lanes, alleys, and public spaces which have been

Duties of board of city improvement.

paved with boulders agreeably to the ordinances of said city. And it shall likewise be the duty of said board to repair the streets in which any street railroad track may be laid, and to recover from any street railroad company and its sureties the cost thereof, whenever such company is bound by contract to repair the same or any part thereof, and has failed so to do. And the city council shall, from time to time, appropriate such sums of money as may be necessary for the purpose aforesaid, which shall be paid out of the city treasury on the order of the said board and the warrant of the city auditor, who shall report monthly to the city council, or oftener, if required, their receipts and disbursements. And the city council are hereby empowered to levy for this purpose, in case the general fund shall be insufficient, a tax on each dollar of the assessed value of the taxable property of said city, not to exceed one-tenth of a mill annually.

Council to appropriate moneys, and levy tax.

SEC. 15. That the said city council shall not hereafter permit to be constructed in either of the streets or avenues of the said city a street railroad for the transportation of passengers, without the consent of a majority in interest of the owners of property upon the street or avenue in which said railroad is to be constructed being first had and obtained; and for the purpose of determining what is a majority in interest, reference shall be had to the assessed value of the whole property located upon such street or avenue.

Street railroads.

SEC. 16. The said city council shall prescribe by ordinance the manner and the terms and conditions upon which the streets and avenues of said city may be used or occupied by street railroads, and the proper authority to grant permission for such purpose. But no such grants shall be made until public notice of the intention to make the same, and inviting proposals therefor, at a specified time and place, shall be published for ten days in one or more of the principal newspapers of said city; nor shall such grants be made except to such person or persons or company as will agree to carry passengers upon said railroad at the lowest rates of fare, and all reductions of the rates of fare shall inure to the benefit of the passengers carried.

Same.

SEC. 17. Sections fifteen and sixteen of this act shall not be held to prevent the construction, extension or use of any street railroad which has already been in part constructed, or for which a grant has already been made.

Limitation.

SEC. 18. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

Swan's Rev.
Stat. 794.

Supplementary to "an act directing the mode of trial in criminal cases," passed March 7, 1831.

Reading
newspapers by
juror.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon the trial of any person charged with an offense made criminal by any law of this state, if a juror, summoned in such case and under examination touching his competency to serve as such juror therein, shall state that he has formed an opinion, or has formed and expressed an opinion as to the guilt or innocence of the accused, and shall be objected to for that reason, the court shall thereupon proceed to examine such juror as to the grounds of such opinion, and if it shall appear to have been founded upon reading newspaper statements or reports, or upon rumor or hearsay, and not upon conversation with witnesses of the transaction, or hearing them testify, and the juror shall say that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that said juror will render such impartial verdict, may, in its discretion, admit such juror as competent to serve in such case.

SEC. 2. This act shall take effect and be in force upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

To repeal sections 1st, 2d, 3d, 4th and 7th, and to amend sections 5th and 6th of an act entitled "an act to provide for the appointment of police commissioners in cities of the first class, having a population exceeding eighty thousand inhabitants," and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto.

5b Laws 48.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, three, four, and seven, of an act entitled "an act to provide for the appointment of police commissioners in cities of the first class, having a population exceeding eighty thousand inhabitants," and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto, be and the same are hereby repealed.

SEC. 2. That section five of an act to provide for the appointment of police commissioners in cities of the first class,

having a population exceeding eighty thousand inhabitants, and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto, be so amended as to read as follows: Sec 5. In all cities of the first class, with a population exceeding eighty thousand inhabitants, there shall be no such office as that of city marshal; but the duties thereof, as now imposed, by the acts to which this is supplementary, on the city marshal, shall be performed by the chief of police; the said chief of police shall execute all process to him directed by the mayor or judge of the police court; and shall, by himself or some lieutenant of the police, attend on the sittings of said court to execute its orders and process, and to preserve order therein. He shall have power to designate the lieutenant who shall attend on the sittings of the said court; and he shall have power, by himself or any policeman, to execute all such process in any part of the county in which said police court is situated. He shall also perform all duties that are now required to be performed by the chief of police, under and by the act to which this is supplementary. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to that end may call upon the citizens to assist him to apprehend all persons in the act of committing any offense against the laws of this state or the ordinances of the city, and them forthwith to bring before the proper authority for examination or trial. He shall have power to pursue and arrest any person fleeing from justice, in any part of the state, and to receive and to execute any proper authority for the arrest and detention of criminals fleeing or escaping from any other place or state. He shall have, in the discharge of his proper duties, like powers, be subject to like responsibilities, as sheriffs and constables in similar cases. He shall receive from the city not less than fifteen hundred dollars per annum, and from the county, for state cases, not less than five hundred dollars per annum, to be allowed and fixed by the county commissioners of such county. But in no case shall he, or the lieutenant, or watchman, who may be detailed by him to attend on the police court, receive any fees, perquisites, or reward whatsoever; nor shall any police officer, watchman, or station-house keeper receive or demand any perquisite or reward. And all fees, fines, penalties, and costs by said chief of police, lieutenant, or watchman, collected, shall be paid over to the clerk of the police court when collected; provided, the same fees shall be charged and collected by the chief of police from persons convicted, as the city marshal has heretofore been authorized to charge and collect for similar services.

Sec. 3. That section six of the above mentioned act be so amended as to read as follows: Sec. 6. The city council of all such cities of the first class, with a population exceed-

Office of city
marshal abol-
ished.

Powers and
duties of chief
of police.

Salary.

To receive no
fees, perqui-
sites or re-
ward.

To pay over
fines, &c., to
clerk of police
court.

City prison
and city work
house.

Superintend-
ents thereof—
salary and du-
ties.

Sustenance of
prisoners in
prison or work
house.

Mayor to make
certain ap-
pointments.

ing eighty thousand inhabitants, shall have power to erect, establish and maintain a city prison and city work house, which shall be in the keeping and under the control of one superintendent each, to be appointed by the mayor of such city, who shall hold their offices for the term of two years, and until their successors are elected and qualified; who shall receive from the city for their services, not to exceed eight hundred dollars per annum each, and shall be governed by such rules and regulations as the city council may prescribe; but they shall receive no fees or perquisites whatever, other than the amount above specified. It shall be the duty of the city council to provide, by ordinance, for sustaining all persons sentenced to the city prison or city work house, or confined therein, at the expense of the city; and the city auditor, on presentation of bills for food and sustenance and necessary supplies, certified to by such person or persons as council may designate, shall audit the same under such rules and regulations as council may prescribe. And the mayor of such city shall have power to appoint such persons, not to exceed eight in number, with the pay and powers of watchmen in such city, as may be necessary to attend the sittings and execute the process of the police court, and to perform duty at the city prison and city work house.

SEC. 4. That sections five and six of said acts to which this act is amendatory, be and the same are hereby repealed.

SEC. 5. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

March 8, 1860.

AN ACT

To repeal the school library tax.

Swan's Rev.
Stat. 850.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fifty-eighth section of the act of May 4, 1853, to provide for the re-organization, supervision and maintenance of common schools, so far as it relates to the assessment of taxes for the purpose of furnishing and increasing school libraries and apparatus, be and the same is hereby repealed.

SEC. 2. This act shall take effect on its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

March 10, 1860.

AN ACT

To amend section three of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853, be so amended as to read as follows: Section 3. That no householder or freeholder resident of the county shall be held to answer any summons issued against him by a justice in a civil matter, in any township of such county other than the one where he shall reside, except as otherwise provided by section two of this act, and in the cases following :

Swan's Rev.
Stat. 501.

Cases where
householder or
freeholder may
be held to an-
swer summons
outside of the
township of
his residence.

First—Where there shall be no justice of the peace for the township in which the defendant may reside ; or,

Second—Where the only justice residing therein is interested in the controversy ; or,

Third—Where he shall be related as father, father-in-law, son, son-in-law, brother, brother-in-law, guardian, ward, uncle, nephew or cousin, to either of the parties, and there is no justice in the township competent to try the cause.

In the foregoing excepted cases the action may be brought before any justice of an adjoining township of the same county, and the justice shall state on his docket the reason of his taking jurisdiction.

Fourth—Where the summons is accompanied with an order to attach property, the jurisdiction shall be co-extensive with the county.

Fifth—When two or more persons shall be jointly or jointly and severally bound in any debt or contract, or otherwise jointly liable in the same action, and reside in different townships of the same county, the plaintiff may commence his action before a justice of the township in which any of the persons liable may reside ; except that in joint actions against the makers and indorsers of notes, due-bills, or bills of exchange, the action shall be commenced in the township where one of the original makers, drawers or indorsers reside, and if it be claimed by the plaintiff that an indorser indorsed the note or bill at the time it was made, and the jurisdiction depend thereon, before the justice shall take jurisdiction, the plaintiff, or some person for him, shall file an affidavit setting forth the fact.

Sixth—In cases of trespass to real or personal property, it shall be lawful to bring the action in the township where the trespass was committed, or in the township where the trespasser or any one of several trespassers reside.

SEC. 2. That section three of the act to which this is amendatory be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend an act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858.

55 Laws 29.

Who shall be received.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section ten of the act aforesaid be so amended as to read as follows: Section 10. It shall be lawful for the board of commissioners aforesaid to receive upon said reform farm, and detain there under their control and guardianship, such male youth as may be received and detained in houses of refuge, under sections six, seven, eight and nine of the said act, entitled "an act to authorize the establishment of houses of refuge," and the manner and form prescribed in sections ten and eleven of said act, in reference to the examinations and commitment of such youth, is hereby extended to and shall be held to apply to the examination and commitment of youth to said reform farm; and all powers vested by the act aforesaid in the boards of directors of houses of refuge, with reference to such institutions, is hereby conferred upon said board of commissioners, in reference to the state reform farm.

Parents or guardians may be required to pay for support and traveling expenses.

Sec. 2. Section fifteen of the act aforesaid shall be so amended as to read as follows: Section 15. The parents or guardians of any youth committed to any reform school, may be required by the authorities of said reform school to pay a weekly charge for the support of said youth, not exceeding one dollar and fifty cents; the money so received to be duly reported and expended, as other moneys, for the benefit of such reform school; and said parents or guardians may also be required to pay the expense of removing said youth to the reform school and of returning him to his friends.

Sec. 3. Sections ten and fifteen of the act aforesaid are hereby repealed.

Sec. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend section seven of an act entitled an act "to provide for the sale or lease of estates tail in certain cases," passed April 4, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of an act entitled an act "to provide for the sale or lease of estates tail in certain cases," passed April 4, 1859, be and the same is hereby amended so as to read as follows: Section 7. Moneys arising from such sales shall, under the direction and approval of the court, be invested in the certificates of the funded debt of this state, or of the United States, or in bonds secured by mortgage on unincumbered real estate, situated in the proper county, of double the value of the moneys secured thereby, exclusive of buildings and other improvements, and of timber, mines and minerals; or the court may order the same to be reinvested in other real estate within this state, under such restrictions as the court may in its discretion prescribe, (which investment shall be reported to and subject to the approval and confirmation of the court;) and when so invested the said real estate shall, for purposes of descent, succession, reversion or remainder, have the same character, and be governed by the same principles, as the estate sold, and shall pass, according to the terms of the deed, will, or other instrument creating the estate sold; and the court shall appoint competent trustees to invest the moneys aforesaid, and manage the same, who shall, from time to time, report to the court their proceedings and the condition of the fund; and the court shall require of such trustees security for the faithful discharge of their duty; may, from time to time, require additional security, and may remove such trustees for cause shown, or reasonable apprehension thereof; may accept the resignation of a trustee, and fill vacancies by new appointment.

SEC. 2. Original section seven of the above recited act is hereby repealed, and this act shall take effect from its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

56 Laws 155.

Investment of
proceeds of
sale.

steas,

AN ACT

To amend "an act regulating the publication of the Ohio reports," passed April 14, 1854.

52 Laws 41.	SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That section one of "an act regulating the publication of the Ohio reports," passed April 14, 1854, be amended so as to read as follows: That if on or before the first day of May next after the commencement of any term of office of the reporter of the supreme court, he shall file his written undertaking with the secretary of state to publish, either directly or through some publisher, and at his own expense and for his own benefit and advantage, the reports of cases decided by said court, and required by law to be reported, and to deliver to the secretary of state for the use of this state, three hundred and fifty copies of each volume of said reports so to be published, at the price of two dollars for each copy, then and in such case the printing of said reports shall no longer constitute a part of the public printing in this state; but the said reporter shall have, in lieu of the salary of three hundred dollars now allowed him by law, the exclusive right to publish said reports and the exclusive title to the manuscript opinions of the judges of said court in the cases to be reported, together with the statements of such cases and all other parts of the same, so far as this state has the power to confer such exclusive right and title; provided, however, that the said reports shall be printed and bound in good law leather, in a style not inferior to volume one Ohio State Reports, and shall be in form and manner of execution similar to that volume; and provided further, that the right thus exclusively conferred upon said reporter shall not be construed to prevent the re-publication and sale of said reports by any person whomsoever, after one year shall have elapsed from the time the first publication is made by said reporter, or by any person under his authority.
Proviso.	
Limitation.	
Contents of each volume.	SEC. 2. That section two of said act of April 14, 1854, be amended so as to read as follows: Each volume of said reports shall contain all the cases decided at each term of said court, and which are to be reported, and the manuscript opinions in which shall have been delivered in time to the reporter by the judges, unless the court should be of opinion that for the volume to contain all the cases aforesaid, it would thereby be too large, and therefore direct the reporter not to put into any volume more than a specified number of pages, in order to secure uniformity in the size of the volumes, as near as may be. The three hundred and fifty copies of each volume of said reports to be delivered by the reporter or publisher under his authority to the secretary of state, shall be received by him, and paid for by the treasurer of state on the warrant of the auditor of state, and said copies thus delivered to the secretary of state, except such
Copies to be delivered to secretary of state.	

number thereof as may be exchanged with other states for the reports of such states; but in no case shall any of said copies thus delivered to the secretary of state be sold to persons in this state, or disposed of to booksellers, or publishers, or other persons for sale in this state; and neither the said reporter nor other persons shall make sale of said reports to any purchaser for use in this state, at a greater price than three dollars and fifty cents for any copy of any volume; and it is further provided as a further condition of the right by this act allowed to said reporter, that a volume of said reports shall be published and ready for sale and delivery within four months after the judges shall deliver to the reporter all the manuscript opinions for the particular volume.

Maximum
price per copy.

Time of pub-
lication.

SEC. 3. That original sections one, two and three of said act of April 14, 1854, be and the same are hereby repealed, and this act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

Regulating the payment of costs in prosecutions for minor offenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no costs taxed by any justice of the peace or mayor of any city or incorporated village in the state of Ohio, in prosecutions hereafter commenced before them for any offense, the punishment whereof is less than imprisonment in the penitentiary, shall be paid out of the county treasury, unless an information shall be filed in the proper court, or a bill of indictment be found against the person or persons charged with such offense.

When costs
not to be paid
by county.

SEC. 2. That sections one and two of "an act to amend and explain the act of the 7th of March, 1842, concerning the powers and duties of justices of the peace and constables in criminal cases," passed March 6, 1845, be and the same are hereby repealed.

Act repealed.
Swan's Rev.
Stat. 543.

SEC. 3. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To authorize counties, townships, cities and incorporated villages to issue bonds in certain cases.

May issue bonds equal in amount to bonds now due or to become due prior to 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the commissioners of any county, the trustees of any township, and the council of any city or incorporated village which may have heretofore in pursuance of law issued bonds in aid or for purposes of public improvement, and which bonds are now due and unpaid, or may become due on or before the fourth day of January in the year eighteen hundred and sixty three, to issue other bonds not exceeding in amount the principal of such bonds so due or to become due.

Bonds to be numbered and registered. Amount, and when due.

SEC. 2. All bonds issued by virtue of the foregoing section shall be numbered and registered by the authorities issuing them; each bond shall be for a sum of not less than one hundred dollars, or more than one thousand dollars, and shall become due at any period therein named, not exceeding fifteen years from its date; it shall bear interest at a

Interest.

rate not exceeding seven per centum per annum, payable semi-annually by coupons thereto attached, and each bond with its coupons may be made payable at any place designated therein; provided, however, that no bond shall be disposed of at less than its par value, and the proceeds of all such bonds shall be used for the redemption of an equal amount of the principal of bonds falling due or to become due as specified in the first section of this act, and for no other purpose whatever.

Provided.

Grant of powers of taxation.

SEC. 3. Said commissioners, trustees and councils, issuing bonds under the provisions of this act, are hereby authorized and required to assess and levy in the usual manner, an annual tax for the payment of the interest upon said bonds; and they are likewise hereby authorized to assess and levy such annual tax as to them may seem expedient for the redemption of the principal of said bonds; the power of taxation hereby conferred being additional to the other powers of taxation granted to them by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend section twenty-one of an act entitled "an act to further provide for the better regulation of the receipt, disbursement and safe-keeping of the public revenue," passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-one of an act entitled "an act to further provide for the better regulation of the receipt, disbursement and safe-keeping of the public revenue," passed April, 12, 1858, be amended so as to read as follows: Sec. 21. The treasurer of state shall, previous to entering upon the duties of his office, give bond, with twelve or more securities, to the acceptance of the governor, in the sum of six hundred thousand dollars, payable to the state of Ohio, and conditioned for the faithful performance of the duties of his office, as prescribed by law, and as shall be provided by law thereafter; and the said bond, with the oath of office plainly written out thereon, and subscribed by the treasurer, shall be deposited with and recorded by the secretary of state, before the treasurer shall have the right to exercise any function of his office whatever; and the general assembly, or the governor, may, at any time during the continuance in office of the treasurer, require him to give such additional security as they, or either of them, shall deem necessary, for the complete indemnity of the state; and after ten days from the demand of such additional security, if it be not complied with to the satisfaction of the general assembly, or the governor, as the case may be, then the office of the treasurer shall be held to be vacant, and the governor shall proceed by his own motion to appoint a treasurer instead of the incumbent; which successor, so appointed, on giving bond and security, and taking the oath of office, as the treasurer of state is herein required to do, shall have and possess all the powers and functions, and be subject to all the duties and liabilities of a duly elected treasurer of state, and shall hold his office until his successor is duly elected and qualified.

55 Laws 100.

Bond of treasurer of state.

Oath.

Additional security.

Office vacated on failure to give.

Appointment to fill vacancy.

SEC. 2. Original section twenty-one of said act of April 12, 1858, is hereby repealed; provided the repeal thereof shall in no manner affect the validity or effect of any bond of any treasurer of this state heretofore executed; and all rights and liabilities which have heretofore, or which may hereafter accrue, upon any such bond, shall not be in any wise affected by said repeal.

Repealing and saving clause.

SEC. 3. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

Swan's Rev. Stat. 675. To amend section four hundred and seventeen of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Sec. 417, code. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four hundred and seventeen of the above recited act, be so amended as to read as follows :
 Revivor of dormant judgment. Sec. 417. If a judgment become dormant, it may be revived in the same manner as is prescribed for reviving actions before judgment; and when the plaintiff to such dormant judgment, his agent or attorney, shall make an affidavit that the defendant is a non-resident of the state, and that such judgment remains unsatisfied, in whole or in part, with a statement of the amount owing thereon, a notice may be published, for six consecutive weeks, as provided by section seventy-two, notifying him to appear at a day therein named, not less than ten days after publication is complete, and show cause why judgment shall not be revived against him; and if sufficient cause be not shown to the contrary, the judgment shall stand revived for the amount which the court shall find to remain due and unsatisfied upon such judgment; provided, that in all cases wherein service may be made by publication, personal service of a copy of the order may be made out of the state.

Sec. 2. Original section four hundred and seventeen is hereby repealed, and this act to take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

Swan's Rev. Stat. 1029. To amend the forty-fourth section of an act relating to wills, passed May 3, 1852.

Election of widow to take under will. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-four of an act entitled an act relating to wills, passed May 3, 1852, be so amended as to read as follows : Sec. 44. The election of the widow to take under the will, shall be made by her in person, in the probate court of the proper county, except as hereinafter provided; and on the application by her to take under the will, it shall be the duty of the court to explain to her the provisions of the will, her rights under it, and by law, in the event of her refusal to take under the will. The election of the widow to take under the will shall be entered upon the minutes of the court;

and if the widow shall fail to make such election, she shall retain her dower, and such share of the personal estate of her husband as she would be entitled to by law in case her husband had died intestate, leaving children. If she elect to take under the will, she shall be barred of her dower, and take under the will alone, unless as provided in the forty-third section of this act. Provided further, that said election by the widow to take under the will, shall not bar her of the right to remain in the mansion of her husband, and receive one year's allowance for the support of herself and children, as now provided by law, unless the will shall expressly otherwise direct.

SEC. 2. That the original section forty-four of said act be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend section four hundred and twenty-seven of the code of civil procedure.

Swan's Rev.
Stat. 676.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four hundred and twenty-seven of "an act to establish a code of civil procedure," passed March 11, 1852, be so amended as to read as follows, to wit: Sec. 427. The jury, summoned as aforesaid, shall be sworn to try and determine the right of the claimant to the property in controversy, and a true verdict to give according to the evidence. If the jury shall find the right to said goods and chattels, or any part thereof, to be in the claimant, they shall also find the value thereof, and the justice shall render judgment upon such finding of the jury for the claimant, that he recover his costs against the plaintiff in execution, or other party to the same, for whose benefit the execution issued, and also that he have restitution of such goods and chattels, or any part thereof, according to the finding of the jury; but if the right to the said goods and chattels, and every part thereof, shall not be in the claimant according to the finding of said jury, then the said justice shall render judgment on such finding, in favor of the plaintiff in execution, or other party, for whose benefit the execution issued, and against said claimant for costs, and award execution thereon. If the jury shall fail to agree, and be discharged,

Proceedings
where goods
levied on are
claimed by
third person.

costs shall be taxed, to abide the final event of the proceeding before said justice, and another jury shall be summoned in like manner as before. Said justice of the peace, in the taxation of costs accruing by reason of such claim and trial, shall allow each juror, summoned and sworn, the sum of fifty cents; and for the sheriff, constable, or other officer, and witnesses, and for himself, he shall tax such fees as are allowed by law to each respectively, for like services rendered in other cases; such judgment for the claimant (unless an undertaking shall be executed, as provided in the next section), shall be a justification of the officer in returning "no goods" to the writ of execution, by virtue of which the levy has been made, as to such part of the goods and chattels as were found to belong to such claimant.

Sec. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend section one of an act entitled "an act to provide for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name," passed April 12, 1858.

What liabilities shall constitute a lien.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows: Section 1. That all steamboats and other water crafts, of twenty tons burden and upwards, navigating the waters within or bordering upon this state, shall be liable, and such liability shall be a lien thereon, for all debts contracted on account thereof, by the master, owner, steward, consignee or other agent, for materials, supplies, or labor in the building, repairing, furnishing or equipping the same, or for insurance, or due for wharfage, and also for damages arising out of any contract for the transportation of goods or persons, or for injuries done to persons or property by such craft, or for any damages or injury done by the captain, mate, or other officers thereof, or by any person under the order or sanction of either of them to any person who may be a passenger or hand on such steamboat or other water craft, at the time of the infliction of such damage or injury.

Sec. 2. That section one of the act to which this is

amendatory, be and the same is hereby repealed. This act to take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

Supplementary to "an act to relieve district courts, and to give greater efficiency to the judicial system of the state," passed April 12, 1858, and of the amendatory thereof, passed March 31, 1859. 55 Laws 81. 56 " 237.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in which a second trial has been, or shall be allowed, and an undertaking entered into by the party demanding the same, as provided in sections one and two of the said act "to relieve the district courts, and to give greater efficiency to the judicial system of the state," and the surety in the undertakings shall have removed from the county, or [the undertaking] is insufficient in form or amount, the court shall, on motion, order a new undertaking to be executed, with security to the satisfaction of the clerk of such court, and if such order shall not be complied with in such reasonable time as the court determine, it shall be the duty of such court, on motion, to render judgment in such cause against the party demanding the second trial for the amount of the judgment rendered upon the first trial, together with the interest accrued thereon, and for costs of suit, and to award execution thereon as in other cases.

Second trial.

New undertaking.

SEC. 2. This act to be in force on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To provide for the more effectual punishment of certain offenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever hereafter any person shall be convicted of any criminal offense, committed after the passage of this act, all or any part of the punishment of which by law is an imprisonment in the county jail, the court, in lieu of such imprisonment, may, on the recommendation of

Criminals may be sentenced to labor in county jail.

the prosecuting attorney, sentence such person to hard labor in the jail of the proper county, any length of time not exceeding six months, and not exceeding the term of imprisonment now by law fixed as the penalty for said offenses respectively, at the discretion of the court.

Labor to be under direction of county commissioners,

Proceeds to be paid into the county treasury.

SEC. 2. That labor thus to be performed shall be under the direction of the commissioners of the county, who may adopt such orders, rules and regulations in relation thereto as they may deem best, and the sheriff or other officer having the custody of such convicts shall be governed thereby; and it shall be the duty of the sheriff of the county to collect and pay into the treasury of the county the amount of the avails of the labor of such convicts, and take the treasurer's receipt therefor, which receipt he shall forthwith deposit with the auditor of the county.

Limits of jail extended to stone quarries, roads, &c.

SEC. 3. That for the purpose of enabling the county commissioners of any county in this state to employ, in a profitable manner, all persons who may be convicted under the provisions of this act, the county jail, in such cases, is hereby declared to extend to any stone quarry or quarries, road or roads, or other place or places within the limits of the proper county, at which the convicts may be advantageously employed, without the walls of the prison, by the county commissioners aforesaid.

SEC. 4. That all other acts heretofore passed, inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 15, 1860.

AN ACT

Making appropriations of the sinking fund, and of the temporary loan fund, for the year 1860.

Appropriation.

Interest on state debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any moneys in the treasury, and that may come into the treasury belonging to the sinking fund,

For the payment of the semi-annual interest to come due on the first day of July, 1860, and the first day of January, 1861, on the foreign debt of the state, and for the payment of the semi-annual interest to come due on the first day of

May and the first day of November, 1860, on the domestic debt of the state, the sum of eight hundred and thirty thousand dollars.

For the payment of the interest to come due in January, 1861, on the irreducible debt or trust funds held by the state, the sum of one hundred and sixty-two thousand dollars. On irreducible debt.

For the payment of the necessary expenses of the New York agency, including the salary of the agent of the state, and office rent, the sum of three thousand five hundred dollars. N. Y. agency.

For the payment of the necessary expenses of the office of the commissioners of the sinking fund at the seat of government, including the salary of the clerk, the sum of two thousand dollars. Office commissioners sinking fund.

For the payment of the necessary expenses of the commissioners of the sinking fund in paying the interest and principal of the foreign debt in the city of New York, the sum of one thousand dollars. Expenses do.

For the contingent fund of the board of commissioners of the sinking fund, the sum of five hundred dollars. Contingent.

For the payment of the costs of advertising, engraving, printing, and other necessary expenses that may be incurred in executing the law authorizing loans for the payment of the principal of the foreign debt of the state, and in engraving plates for certificates of the domestic debt of the state, the sum of ten thousand dollars. Expenses of loans.

Sec. 2. That there be and is hereby appropriated, from any money in the treasury, and that may come into the treasury from the temporary loan levy of seven-twentieths of a mill, Appropriation.

For the payment of the interest to come due on the first day of July, 1860, and the first day of January, 1861, on the temporary loan of seven hundred thousand dollars, and for the payment of the principal of said loan to come due on the first day of July, 1860, the sum of three hundred and seventy-eight thousand dollars. Temporary loan.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 15, 1860.

AN ACT

To fix the time of holding certain terms of the court of common pleas in Fayette, Highland, and Ross counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the summer or second term of the court of common pleas of Fayette county, in the year 1860, shall

commence on the 17th day of July; and that the fall or third term of the court of common pleas of Highland county, in said year, shall commence on the 13th day of November; and that the fall or third term of the court of common pleas for Ross county, in said year, shall commence on the 27th day of November.

SEC. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 16, 1860.

AN ACT

To provide for the completion of the state house, and for the care of the building and grounds, and to repeal certain acts therein named.

Governor to
appoint super-
intendent and
janitor.

Salaries.

Powers and
duties of su-
perintendent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed by the governor, with the consent of the senate, a "superintendent of the state house," and also a "janitor of the state house," who shall hold their offices for the term of two years, and until their successors shall be appointed and qualified. In case of vacancy in either of said offices during the recess of the general assembly, the same shall be filled by appointment by the governor, who shall, within ten days after the general assembly shall next meet, appoint in the manner originally provided, a successor for such unexpired term. The salary of such superintendent shall be twelve hundred dollars, and that of said janitor shall be eight hundred dollars, yearly, in quarterly payments, to be drawn from the treasury on the warrant of the auditor of state.

SEC. 2. The superintendent shall have the supervision and control of the state house, the grounds and appurtenances thereto attached, and of all work performed upon, and materials furnished for the same; and he shall also have charge of the tract of land in Franklin county purchased by the state for a quarry. Every contract for such work and materials shall be in writing, signed on behalf of the state by the superintendent, and a copy thereof shall be deposited in the office of the secretary of state; and no contract shall exceed the amount appropriated by law applicable to such purpose. The superintendent shall have power to appoint a clerk, removable at his pleasure, whose duty it shall be to keep a true record and account of all the proceedings and expenditures of the superintendent; and he may also employ, when necessary, the services of an architect; said clerk

and architect to be paid a reasonable compensation out of the state house fund. The superintendent shall, annually, before the fifteenth day of December, make report of his proceedings to the governor, who shall lay the same before the general assembly.

Sec. 3. The janitor shall have the charge, subject to the direction of the superintendent, of the state house building, and the grounds and appurtenances thereto attached; and he shall keep the same constantly watched, protected, and in order; and he may employ such assistants as the superintendent may approve and deem necessary, whose compensation shall be fixed by the superintendent, and paid out of the state house fund. It shall also be the duty of the janitor to prepare the legislative halls for the reception of the general assembly at the commencement of each regular and extra session.

Of janitor.

Sec. 4. If any person shall wilfully or maliciously injure or deface in any manner any portion of the state house building, its fixtures, furniture, or appurtenances, or shall commit any nuisance therein, or shall purposely commit any injurious trespass upon the grounds attached thereto, or shall wilfully injure any tree, shrub or plant growing upon said grounds, or any fixture placed thereon, or any inclosure or side walk about the same, such person shall, upon conviction thereof, be fined in any sum not less than five dollars, nor more than five hundred dollars, or be imprisoned in the jail of Franklin county not less than one day, nor more than six months, or both, at the discretion of the court; and shall moreover be liable to the state of Ohio in double the amount of the injury done. The janitor shall have the power and authority of a constable as to the arrest of all persons guilty of the offenses above described; and all prosecutions for said offenses shall be conducted in the same manner and before the same courts as other offenses committed within the city of Columbus, the punishment whereof may be less than imprisonment in the penitentiary.

Penalty for injury to building or appurtenances.

Authority of janitor, and mode of prosecutions.

Sec. 5. The work to be done for the completion of the state house building shall be as follows: Tiling the floor of the rotunda; putting gas fixtures in the rotunda; arching and flagging north-west court, and placing therein steps, balcony, and iron railing for second story; and repairing and painting the flagging on the north and west sides of the building. For the payment of the labor and materials of said work, there is hereby appropriated out of any money in the treasury for general revenue purposes, the sum of ten thousand dollars, which may be drawn from the treasury on the warrant of the auditor of state in favor of the persons or their agents to whom the same may be due for work actually done or materials delivered, and so certified to by the superintendent. The said work shall be finished by the first day of October of the present year, and upon said day the state house building shall be held to have been completed, and all

Work to be done to complete state house.

Appropriation.

When work to be finished and contracts at end.

- work upon the construction thereof shall cease, and all contracts relative thereto shall be at an end.
- Specific appropriations.** SEC. 6. There is hereby appropriated out of any money in the treasury for general revenue purposes, the following sums of money, to be applied to the following purposes, viz : In payment for work and materials necessary to be done and furnished in grading and flagging the state house lot side-walk upon High street, fifteen hundred dollars ; and for procuring and planting trees and shrubbery on said lot, eight hundred dollars ; and for contingent expenses of said state house building, grounds and appurtenances, thirty-seven hundred dollars. Said sums of money to be paid from the treasury upon the warrant of the auditor of state, in favor of the persons or their agents to whom money may become due for work or materials as aforesaid, and which may be certified by the superintendent to have been performed or delivered.
- How money to be drawn.** SEC. 7. The superintendent is hereby authorized to make sale of such machinery and implements procured for, but not further needed in building the state house, and, also, of all unused materials procured for such building, as he may deem it for the interest of the state so to dispose of ; and said superintendent shall account with the treasurer of state for all money received by him from such sales.
- Superintendent to sell machinery, &c.** SEC. 8. The act entitled " an act to provide for the prosecution of the work on the new state house, prescribing the order in which it shall be done, and making appropriations therefor," passed April 8, 1856, and the act entitled " an act to provide for the more expeditious completion of the new state house, prescribing the order in which it may be done," passed April 12, 1858, and all other acts providing for the construction of the new state house, are hereby repealed.
- Acts repealed.** SEC. 9. This act shall take effect and be in force from and after the first day of April in the present year ; provided, however, that the appointments hereby authorized may be made at any time after the passage hereof, to take effect upon said day.
- Act and appointments to take effect April 1, 1860.**

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

AN ACT

Fixing the times of holding certain terms of the court of common pleas in Van Wert, Shelby, Auglaize and Allen counties, for the year 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the second term of the court of common pleas for the year 1860, in the following counties of the third*

judicial district, shall be held at the times following, to wit :
In the county of Van Wert on Tuesday the twenty-second day of May ; in the county of Shelby on Monday the twenty-eighth day of May ; in the county of Auglaize on Monday the fourth day of June ; in the county of Allen on Monday the eleventh day of June.

Sec. 2. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

AN ACT

To amend an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859. 56 Laws 231.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," be so amended as to read as follows : Section 1. That when any person shall make an assignment to a trustee of any property, money, rights or credits in trust for the benefit of creditors, it shall be the duty of said trustee, within ten days after the delivery of the assignment to him, and before disposing of any property so assigned, to appear before the probate judge of the county in which the assignor resided at the time of executing the said assignment, produce the original assignment, or a copy thereof, cause the same to be filed in the probate court, and enter into an undertaking, payable to the state of Ohio, in such sum and with such sureties as shall be approved by the judge, conditioned for the faithful performance, by said trustee, of his duties according to law ; on which undertaking, any person injured by the misconduct or neglect of duty of the assignee in regard to said trust, may bring an action thereon, in his own name, against the assignee and his sureties, to recover the amount to which he may be entitled by reason of the delinquency. A judgment in favor of a party for one delinquency shall not preclude the same party from an action in the same undertaking for another delinquency, nor shall such judgments preclude any other party from bringing actions on such undertaking. The probate judge shall have the power to require the assignee to execute an additional undertaking whenever the interests of the creditors of the assignor demand the same, and action may be brought thereon as upon an original undertaking.

Duty of assignees.

Mode of recovery from assignee on misconduct or neglect of duty by him.

Sec. 2. That section one of the act to which this is an amendment be and the same is hereby repealed ; provided, however, that such repeal shall not effect any undertaking

Repealing clause.
Proviso.

heretofore executed in pursuance of said section one, nor any action founded thereon, which is now pending.

Taxes to have
preference on
paying claims

SEC. 3. That in all cases of assignment of personal property made after the taking effect of this act, which shall come within the provisions of the act to which this is an amendment, all taxes of every description assessed against the assignor, upon any personal property held by him before his assignment, shall be paid by the assignee out of the proceeds of the sale of the personal property assigned, in preference to any other claims against the assignor.

SEC. 4. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

AN ACT

Supplementary to the "act for the regulation of county jails," passed March 13, 1843.

County commissioners
may provide
for sustenance
of prisoners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of any county containing a city of the first class, having a population exceeding one hundred thousand, are hereby authorized and required, whenever they shall deem it best for the interest of such county, or the welfare of the prisoners confined by law in the jail of such county, so to do, to notify the sheriff of such county that they will provide for the sustenance and comfort of such prisoners, and it shall thenceforth be the duty of said commissioners, at the expense of said county, so to provide for such prisoners.

When new jail
is completed.

Proviso.

SEC. 2. That whenever in such county a new jail therefor shall be erected or completed, it shall be the duty of the commissioners of such county, at the expense of such county, to provide for the sustenance and comfort of all prisoners confined by law in such jail; provided, that nothing in this act shall be so construed as to charge said county with the expense of supporting any prisoner confined for debt only.

SEC. 3. This act to take effect and be in force from and after the seventh day of January next.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

AN ACT

Supplementary to the code of civil procedure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the deposition of a witness has been or may be taken, and the officer before whom such deposition has been or may be taken, shall have omitted to certify such deposition according to law, it shall be lawful to prove by such officer, or any other person, such fact so neglected to be certified, and such proof for all purposes shall have the same force and effect as if the fact proven had been duly certified.

Where officer taking deposition omits proper certificate.

SEC. 2. This act shall take effect and be in force from and after its passage, and shall apply to actions now pending, as well as to those which may hereafter be brought.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 16, 1860.

AN ACT

Prescribing rates of taxation for state purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be levied on each dollar of the taxable property of this state, as valued and entered on the grand list of taxable property for the year eighteen hundred and sixty, (1860), for the several purposes in this act enumerated, in addition to the taxes now prescribed by law, taxes at the rates hereafter specified, namely: For the ordinary expenses of the state government, including the expenses of the public benevolent institutions, and other expenses chargeable on the general revenue, one-tenth of one mill; for the sinking fund, applicable to the payment of the interest and the gradual reduction of the principal of the state debts, and to comply with the provisions of the constitution for the gradual extinction of the public debt, five-tenths of one mill, and on each dollar of the taxable property of this state as valued and entered on the grand list of taxable property for the year eighteen hundred and sixty-one, five-tenths of one mill, and thereafter four-tenths of one mill on the grand list of taxable property, annually.

Additional levy.

Expenses of government.

Sinking Fund.

SEC 2. That for the purpose of affording a free education to all the youth of this state, the state common school fund shall hereafter consist of such sum as will be produced by the annual levy and assessment of one and four-tenths of a mill of the dollar valuation on the grand list of the

School Fund.

taxable property of the state, and no more, which sum is hereby annually levied for that purpose.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

AN ACT

To provide for the purchase and distribution of Swan and Critchfield's Revised Statutes of Ohio.

Secretary of
state to pur-
chase 1,000
copies.

What to con-
tain.

How and
when to be
paid for.

Duties of sec-
retary of state
in preserving.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state is hereby authorized and directed to purchase of Robert Clark & Co., of Cincinnati, for the use of the state, one thousand copies of Swan and Critchfield's revised statutes of Ohio, now in press, at the price of seven dollars for each copy of two volumes ; provided said edition shall contain all the statutes of this state, of a general nature, in force, including those passed at the session of the general assembly held during the present year, and also the constitution of the United States, the old and new constitutions of Ohio, and the naturalization laws of the United States, together with a copious index of the whole, and shall be printed in good style, on good book paper, and bound in good law leather ; and provided further, that a copy of said revised statutes shall be first submitted to the attorney-general for examination.

Sec. 2. Upon the delivery of said one thousand copies to the secretary of state, together with a certificate of the attorney-general, that said revised statutes have been edited, printed and bound as provided in section one of this act, the same shall be received by said secretary, and shall be paid for out of the treasury, upon the warrant of the auditor of state, which shall be issued upon the presentation of the receipt given by said secretary, for said copies ; and for such payment the sum of seven thousand dollars is hereby appropriated from any money in the treasury for general revenue purposes. The secretary of state shall preserve said statutes, subject to distribution according to law, and shall keep a record of such distribution, and shall include in his annual report to the governor a statement thereof, and of the number of copies remaining in his custody.

Sec. 3. The secretary of state shall cause to be distributed, in the same manner as the general laws are now distributed, copies of said revised statutes, as follows : To the offices of the governor, attorney-general, comptroller of the treasury, board of public works, board of agriculture, commissioners of the sinking fund, warden of the penitentiary, one copy each ; treasurer of state, secretary of state, two copies each ; auditor of state, three copies ; clerks of the supreme court, court of common pleas of each county, of each superior court, and of each police court, one copy ; auditor of each county, one copy ; probate court of each county, one copy. Said copies to be the property of the state, and to remain in said offices. There shall be placed in the state library six copies. One copy shall be given to each of the following officers for their own use : The governor, attorney-general, each supreme judge, each judge of a court of common pleas, superior court and police court.

Copies to be distributed.

Sec. 4. At the opening of each regular, adjourned and extra session of the general assembly, the secretary of state shall deliver to the sergeants-at-arms of the senate and house of representatives, one copy for each member and presiding officer, for their use during such session ; and it shall be the duty of said sergeants-at-arms, at the close of each session, to redeliver all said copies to the secretary of state.

Redelivery of copies delivered to general assembly.

Sec. 5. No copies of said revised statutes, so purchased, shall be sold, or in any way disposed of, except as in this act provided ; but the governor shall have power to direct the secretary of state to exchange copies of said statutes, not exceeding thirty in number, for the revised statutes of other states.

No copies to be sold.

Sec. 6. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

AN ACT

To amend an act to authorize the building of an arsenal for the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor be and is hereby authorized to proceed and sell, upon thirty days public notice, the subdivisions of the old penitentiary grounds remaining unsold, reserving three contiguous lots for a site for the state arsenal, without restriction as to the terms of sale, and apply six

Sale of old penitentiary grounds remaining unsold.

Proceeds—
how to be ap-
plied.

thousand dollars of the proceeds of said sales, additional to the proceeds of previous sales, and the proceeds of the sale of old arms heretofore appropriated for the purpose, to the prosecution of the state arsenal, agreeably to the general plan on deposit in the office of the quarter-master general; provided, that the appropriations so made shall complete said building, and that ample security shall be given by contractors to deliver the same to the state for the amount so determined; provided, that the governor shall not be authorized to sell a greater amount of said ground than shall be necessary to raise the sum of six thousand dollars in addition to the sum already derived from the sale of said lots and old arms, &c.; and that said building shall not cost, when fully completed, exceeding the sum of fourteen thousand dollars.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 17, 1860.

AN ACT

To enable townships and incorporated villages to establish cemeteries common to both.

Trustees of
township and
council of in-
corporated vil-
lage may unite
in purchase
of cemetery
grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the trustees of any township, and the council of any incorporated village therein, to unite in the establishment of a cemetery, common to the inhabitants of both, by the purchase of land therefor, not exceeding thirty acres in extent, at a cost not exceeding six thousand dollars, to be paid by such township and village, in such proportions as may be agreed upon by said trustees and council; and for the payment of such purchase money, said trustees shall have power to levy upon the taxable property of such township including such village, and said council shall have power to levy upon the taxable property of such village, such tax, additional to other taxes authorized by law, as may be necessary for such purposes; but said tax shall not be so levied during a greater period of time than three years.

Title shall
vest in village,
&c.

SEC. 2. The title to such cemetery shall be vested in such incorporated village, for the common use of the inhabitants of such township and village, for burial purposes therein. The said land shall be laid out, improved and regulated as a cemetery, in such manner as the council of such incorporated village may from time to time prescribe by ordi-

nance; the inhabitants of such township shall possess therein the same rights and privileges as the inhabitants of such village, to be exercised in the same manner in all respects; and permission shall be granted by said council for the interment in said cemetery of all persons buried at the expense of such township.

SEC. 3. Said council may provide, by ordinance, for the sale and conveyance of burial lots and privileges of interment in said cemetery; and the proceeds of all such sales shall be used for the payment of the purchase money of said land, or for the improvement of the same as a cemetery, or for the creation of a fund, the interest or principal of which may be applied to the improvement and care of the same.

Sale of burial lots.

SEC. 4. In the establishment of cemeteries under this act, any township or incorporated village may make use of any cemetery which may or shall be held by such township or village, and of any land which such township or village may or shall have acquired by deed of gift or by devise, for burial purposes; but such cemetery, so held, or land so acquired, shall be part of the tract of land, not exceeding thirty acres, devoted to cemetery purposes, under this act; any funds which are or may be in the treasury of such township or village, applicable to cemetery purposes, may be, by said trustees or council, applied to the establishment, improvement and care of cemeteries created under this act, as if such funds were the proceeds of sales of burial lots therein.

Old cemetery grounds may be included.

SEC. 5. Any township adjoining one in which a cemetery may be established under this act, may, by consent of the trustees of each township, and of the council of such incorporated village, be admitted to an equal participation of the inhabitants thereof in rights and privileges in said cemetery, upon such terms as may be mutually agreed upon; but the title and control of said cemetery shall continue vested in such incorporated village as herein above provided.

Adjoining township.

SEC. 6. All laws of this state, of a general nature, providing for the protection of cemeteries, or making criminal any acts done to the injury of the same, or to the injury of anything appertaining in any way to the use thereof for burial purposes, shall apply to cemeteries established by virtue hereof.

Extension of provisions of general laws.

SEC. 7. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 17, 1860.

AN ACT

Supplementary to the act entitled "an act to provide for the organization of cities and incorporated villages," passed March 11, 1853.

Council may levy tax for purchase of cemetery grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of purchasing land for a cemetery, the council of any municipal corporation, organized under the act to which this act is supplementary, shall have power to levy, in addition to the taxes otherwise authorized by law to be levied, upon the taxable property of such municipal corporation, a tax not exceeding one-half of one mill on the dollar, each year, during a term of not exceeding six years, which tax shall be collected in the same manner as other taxes of such corporation, and the money arising from such levy shall be set apart exclusively for the purposes of said purchase; provided, the aggregate amount levied for said purpose shall not exceed five thousand dollars.

Limitation.

Mode of purchase and payment.

SEC. 2. Whenever the council of any municipal corporation, as aforesaid, shall have passed an ordinance for the levy of the taxes, authorized by the foregoing section, it shall be lawful for such council to proceed to purchase land for a cemetery, and may pledge to the vendor thereof, the money arising from said levy, in payment therefor, so far as the same shall be necessary, together with seventy-five per centum of the money accruing from the sale by such corporation, of lots in such cemetery, as hereinafter provided, and upon full payment to the vendor, of the purchase money for said land, said municipal corporation may receive from the vendor an absolute conveyance thereof.

Laying out grounds, &c.

SEC. 3. The council of any municipal corporation which has purchased or may hereafter purchase land for a cemetery, may cause the same to be laid out into lots, avenues, alleys, or other sub-divisions as shall be deemed expedient, which lots shall be numbered and the avenues named, and a plat thereof made and kept in the office of the clerk or recorder, for the use of the public.

Sale of burial lots.

SEC. 4. For the purpose of defraying the expense of purchasing, improving and embellishing such cemetery, the council of such municipal corporation may sell at private sale, or public vendue, from time to time, such number of said lots, and upon such terms and conditions as may be deemed advisable, and may cause to be executed to the purchasers of said lots such conveyance as may be necessary to carry into effect said contracts of sale, and said conveyances shall, at the expense of those receiving them, be recorded in a book to be kept for that purpose, by the clerk or recorder of such municipal corporation.

Funds set apart for specific purposes.

SEC. 5. Seventy-five per centum of the purchase money arising from the sale of said lots, shall be set apart, and applied to the payment of the purchase money due to the vendor of said cemetery grounds, and to the repayment of such sums as may have been paid by such municipal corporation

under the provisions of this act, until the same shall be fully discharged, and the residue of the money arising from said sales shall be applied to defray the expenses of improving and embellishing said cemetery grounds.

SEC. 6. The council of any municipal corporation owning a cemetery, shall have full power to pass all ordinances necessary to carry into effect the provisions of this act, or to regulate said cemetery, the improvement of the same, and the burial of the dead therein, to define the tenure and conditions on which lots therein shall be held, to protect said cemetery and all fixtures thereon, and to punish all violations of such ordinances, whether said cemetery be situated within or without the limits of such corporation.

Powers conferred on council.

SEC. 7. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.

ROBERT C. KIRK,
President of the Senate.

Passed March 17, 1860.

AN ACT

To punish bribery in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall directly or indirectly promise, offer or give, or cause or procure to be promised, offered or given, any money, goods, right in action, present, reward, or any other valuable thing whatever, or any promise, contract, undertaking, obligation, or security, for the payment or delivery of any money, goods, right in action, present, reward, or any other valuable thing whatever, to any officer or public agent after his election or appointment, and either before or after he shall have qualified as such, with intent—

Definitions.

First—To influence his vote or decision on any question, matter, cause or proceeding which may then be pending, or may by law be brought before him as such officer or agent, or,

Second—To induce him to neglect or omit the performance of his duty as such officer or agent, or to perform such duty with partiality or favor, or in consideration of his having neglected or omitted the performance of such duty, or of his having performed it with partiality or favor, or,

Third—To induce him to give, procure or to assist to procure, or in consideration of his having given, procured or assisted to procure, by his act, interest, influence, or other means whatever, any public appointment, office, place of

trust or profit, or any preferment or emolument, or any public contract, or any false specification, plan, drawing, certificate, or estimate under such contract. Every such person and the officer or agent who shall in any wise solicit, accept or receive any such money, goods, right in action, present, reward, or any other valuable thing whatever, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, present, reward, or any other valuable thing whatever, or any part thereof, shall on conviction thereof, be punished as provided in the second section of this act.

Penalties.

SEC. 2. That the officer, public agent, or other person so convicted, shall be fined not less than the amount or value of the thing so promised, offered or given, or so solicited, accepted or received, nor more than three times such value or amount, or be imprisoned in the county jail not more than thirty days, or both; and if a public agent or any officer other than a state officer be so convicted, he shall be immediately removed from office or employment by order of the court; provided, that the execution of such order, when the court has signed a bill of exceptions, shall, on motion of the defendant, be suspended until the determination of an application for a writ of error, but not longer than thirty days, unless such writ be allowed.

**Definition of
"officer."**

SEC. 3. The word "officer" shall be held to include all state officers, including the senators and representatives in the general assembly, all county, township, city, village, school and other officers deriving their authority under the constitution or laws of this state, and the deputies of all officers. The words "public agent" shall be held to include trustees, commissioners, architects, superintendents, engineers, surveyors, and all other persons acting in a subordinate capacity, excepting contractors, mechanics and laborers, in the purchase, laying out, construction, repair or management of any public ground, work, building, improvement or institution.

**"Public
agent."**

Mode of prosecution.

SEC. 4. All prosecutions under the provisions of this act shall be by indictment before the court of common pleas in the county where the offense shall have been committed.

**Limitation of
actions.**

SEC. 5. This act shall be given specially in charge to the grand jury by the judges of the courts of common pleas, but no prosecution shall be instituted under it unless it shall be commenced within one year from the commission of the offense.

SEC. 6. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 19, 1860.

AN ACT

Supplementary to an act entitled "an act providing for the punishment of crimes," passed March 7, 1835.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person who shall wilfully and maliciously burn or cause to be burned any dwelling house, kitchen, smoke house, shop, office, barn, stable, store house, ware house, still house, mill, pottery, or any other building of the value of fifty dollars, or any ship, boat, or other water craft, of the value of fifty dollars, or any goods, wares, merchandise, or other chattels of the value of fifty dollars, which shall be at the same time the property of such person, and insured against loss or damage by fire, with intent to prejudice such insurer, every person so offending shall be deemed guilty of arson, and upon conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor not more than twenty years, nor less than one year.

Definition of arson.

Penalty.

SEC. 2. That if any person shall wilfully and maliciously set fire to any of the buildings, water craft or other property described in the foregoing section of this act, and which shall be at the same time the property of such person, and insured against loss or damage by fire, with intent to burn or destroy the same, and with intent to prejudice such insurer, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than seven years, nor less than one year.

Attempt.

Penalty.

SEC. 3. This act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 20, 1860.

AN ACT

Supplementary to an act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847.

Swan's Rev. Stat. 854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of examiners for any city, town or village which has adopted the above recited act, and the acts amendatory thereto, shall state in the certificates they issue to teachers the period of time for which said certificates shall be valid, which period shall not be less than six months nor more than two years, and no certificate shall be valid for any other period than that named in it.

Certificate of examiner to state time such certificate shall be valid.

No person to
teach without
certificate.

SEC. 2. No person shall be permitted to teach in any of the public schools of said city, town or village, without such certificate, or for any other time than that specified in said certificate.

SEC. 3. This act shall be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 19, 1860.

AN ACT

Further to regulate the practice of the supreme and district courts in this state.

Informations
in nature of
quo warranto
to have precedence
over civil business.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all cases of informations in the nature of a quo warranto, which are or may be pending in the supreme or district courts of this state, shall, on the motion of the attorney general, or prosecuting attorney having charge of the same, have precedence over the civil business on the docket of said courts respectively, and it shall be the duty of said courts to require, on motion of the officers aforesaid, as speedy trial of the merits of such information as may be consistent with the rights of the parties thereto.

Quo warranto
proceedings
against bank-
ing corpora-
tion.

Stockholder
may file peti-
tion to enjoin
directors, &c.

SEC. 2. That in all cases where proceedings are, or may, be pending in any of the courts of this state having jurisdiction over the same in the nature of a quo warranto against any banking corporation, whether instituted by the attorney general or by the prosecuting attorney under the provisions of the laws of this state, any stockholder or stockholders owning together not less than one-fourth of the capital stock of such company, actually paid in, or entitled to the beneficial interest therein, may file in the court in which such proceeding may be pending, a petition to enjoin the directors of such corporation from making any disposition of the assets of such corporation which shall be prejudicial to the interests of such stockholders, or which shall be inconsistent with their duties as directors of such corporation, and said court, or any judge thereof, in vacation, upon being satisfied that the directors in office of such corporation have been violating, or are about to violate any of the franchises thereof, may require them to give security to the stockholders thereof, to the satisfaction of said court or judge, for the proper discharge of their duties, and for the proper management and security of the assets of such corporation under their control, and the said court or judge shall have the power to enjoin such directors and the officers of such bank from paying out

Directors to
give security.

Power of
courts as to
injunction.

or issuing the notes of circulation of such bank, and from incurring any additional liabilities except for the payment of the necessary services of the officers and employees of such banking company, the amount of which, while such proceedings are pending, shall be under the control of said court.

SEC. 3. That such court or judge shall also have the Same power, on petition of any stockholder or stockholders owning not less than one-fourth of the capital stock of such banking company, actually paid up, or of the beneficial interests therein, to enjoin the directors and officers thereof from borrowing or issuing, either directly or indirectly, any of the money or assets of such bank for their own individual benefit, while such proceedings may be pending.

RICHARD C. PARSONS,
Speaker of the House of Representatives.

ROBERT C. KIRK,
President of the Senate.

Passed March 20, 1860.

AN ACT

Supplementary to the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852. Swan's Rev, Stat. 955.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village in this state is hereby authorized to purchase, for the use of such village, at a price not exceeding five thousand dollars, any lots or grounds therein, being formerly the site of any fort, or the scene of any important historical event worthy of commemoration, and for the payment of the purchase money thereof, such council is hereby authorized, in addition to the other powers of taxation conferred on them by law, to levy a tax upon all the property of said village, as contained upon the tax duplicate of the county, not exceeding one mill on the dollar in any one year, and it shall be the duty of said council to cause said lots or grounds so purchased to be kept in good order, at the expense of said village. Council may purchase sites of forts or scenes of important historical events, for use of village.

SEC. 2. This act shall be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.

ROBERT C. KIRK,
President of the Senate.

Passed March 21, 1860.

AN ACT

Further defining the duties of supervisors of roads and highways.

Foot bridges. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supervisors of roads and highways within this state be and are hereby authorized to construct foot bridges over streams of water on said highways.

SEC. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 21, 1860.

AN ACT

Swan's Rev.
Stat. 487.

Supplementary to "an act relating to juries," passed February 9, 1831.

Proceedings where panel of jurors during term time is incomplete. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, from any cause, the number of petit jurors in attendance upon the court of common pleas of any county in this state, at any time during a term of such court, shall be less than twelve, it shall be lawful for the court to cause to be issued a special venire facias, containing as many names of discreet and suitable persons, having the qualifications of electors and selected by the court, as said court may deem necessary to complete the panel of petit jurors, and the jurors so added to complete said panel shall, for the remainder of the term, constitute a part of the panel in the same manner as if they had been originally summoned thereon, and shall be entitled to the same exemptions from further service in the same year, and to the same fees as are now allowed to petit jurors by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 22, 1860.

AN ACT

To amend section ninety of the act entitled "an act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859.

56 Laws 210.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ninety of the above recited act be amended so as to read as follows: Section 90. If such tax payer have not sufficient property which the treasurer can find to distrain to pay such tax, but have moneys or credits due or coming due him by any person within this state known to the treasurer, or if such tax payer shall have moved from the state or county, and shall have property, moneys or credits due or coming due him in this state known to the treasurer, in each and every such case it shall be the duty of the treasurer to collect such tax and penalty by distress, attachment or other process of law; and the treasurer may make his affidavit before any justice of the peace, that the residence of such tax payer is to him unknown, or that he is not a resident of the county where such property is found or where such debtor resides, or that such tax payer has not property in the county sufficient to distrain to pay such taxes, and thereupon an attachment, with garnishee process, shall be by such justice of the peace issued, and such proceedings had, and such judgment rendered for taxes, penalty and costs as are lawful in other cases of attachment; provided, that if such treasurer shall serve upon any person indebted to such tax payer a written notice, stating the amount of delinquent tax and penalty due, then such debtor may, after the service of such notice, pay such tax and penalty to the treasurer, whose receipt for the same shall be a full discharge of so much of said indebtedness as is equal to such tax and penalty so paid.

Proceedings by treasurer where delinquent tax payer has dues within the State, and no property to distrain; or is non-resident, with property, moneys or dues in the State.

SEC. 2. That original section ninety be and the same is hereby repealed.

SEC. 3. This act to take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 22, 1860.

AN ACT

Supplementary to "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the amendment passed March 11, 1853, and a supplementary act passed April 8, 1856, and supplementary to the act passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first class in which water works have heretofore or may hereafter be constructed,

Water works and sewerage.

Expenses may
be met by is-
sue of bonds.

it shall be lawful for the city council to provide by ordinance for the division of said city into not more than six sewerage districts, designating the same by name or number; and that for the purpose of defraying the expense of constructing main sewers in said districts, or either one of them, the city council shall have power to borrow, from time to time as they shall deem expedient, a sum of money not to exceed thirty thousand dollars for any one of said districts, upon the credit of the city, and shall have authority to issue bonds, with interest coupons attached, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; provided, that all bonds issued as aforesaid shall have the name or number of the district for which the same were issued, legibly written or printed upon them, and shall be signed by the mayor and city clerk, and be sealed with the seal of the city.

Grant of pow-
ers of taxation
to city coun-
cil.

SEC. 2. That for the purpose of repaying the principal and interest of the bonds by this act authorized to be issued, it shall be lawful for the city council to assess and collect upon and from all the real estate in the district for which said bonds are issued, in each and every year thereafter until the interest and principal of said bonds is fully paid and satisfied, an amount sufficient to pay the interest due upon said bonds semi-annually; and such an amount as upon computation shall be found necessary to provide a sinking fund for the redemption of the bonds so issued as aforesaid at their maturity; provided, that not more than five per cent. per annum shall be collected in any one year of the principal of the bonds authorized by this act to be issued.

Mode of mak-
ing assess-
ment and col-
lecting taxes.

SEC. 3. That it shall be lawful for the city auditor to make the assessment required by the preceding section, upon all the real estate in the district, upon the valuation as established by law for state and county purposes; and said auditor is hereby required to certify said assessment to the city council on or before the second Monday in May, annually; that after the same shall have been confirmed by the city council, they shall direct the city clerk to certify it to the county auditor, who is hereby authorized and required to place the same upon the tax duplicate in the same manner as other township and city taxes are by law placed upon said duplicate, and the county treasurer is hereby authorized and required to collect said assessment in the same manner as other taxes collected by him, and when collected shall pay the same to the treasurer of said city; and for the purpose of enforcing the collection of said assessment, he shall have the same power and authority now allowed by law for the collection of state and county taxes.

Construction
of main sewer;
expense of
same—how to
be paid.

SEC. 4. That in the construction of a main sewer in or through the streets, lanes or alleys of said district, it shall be lawful for the city council to assess and collect, upon and from all the lands or lots bounding or abutting upon said

streets, lanes or alleys, so much of the expense of constructing said main sewer as would, in the opinion of the city council, be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer said lots or lands bounding and abutting upon the streets, lanes or alleys in or through which said main sewer may be constructed.

SEC. 5. This act shall not apply to cities of the first class Limitation.
having a population exceeding eighty thousand inhabitants.

SEC. 6. This act to take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 22, 1860.

AN ACT

To regulate the taxation and payment of costs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the costs of prosecution, so far as relates to the fees of constables, justices, sheriffs, witnesses and clerks, shall be made out by the different officers claiming the same, specifying the different items comprising the same according to the acts regulating the fees of civil officers in civil and criminal cases, and the acts directing the mode of trial in criminal cases, and shall be by such persons lodged with the clerk of the court before which any criminal may be convicted during the time in which such conviction may be had, and the clerk shall make out under his hand and the seal of said court a true copy of all such charges, which shall be examined, and if correct, the same shall be allowed by the judge of said court, and forwarded with such convict and delivered by the sheriff to the warden of the penitentiary, and the sheriff shall receive eight cents per mile going to and returning from said penitentiary, to be computed from the seat of justice of the county in which the conviction took place, by the usual route of travel, and he shall also receive the sum of five cents per mile for transporting every such convict, and shall be allowed one guard for every two convicts so transported, and shall receive six cents per mile for the services of each guard so employed, to be computed for the same distance as the sheriff; and if at any term of the court there should be more than one person convicted, it shall be the duty of the court to make out an order directing the number of guards, not exceeding one guard to every two convicts, exclusive of the sheriff, unless in an extraordinary case, when, in the opinion of the court, a greater number

Mode of collecting costs of prosecution in criminal cases.

Sheriff's mileage for transporting convicts.

Guards for convicts; and their mileage.

Court to determine number of guards necessary.

shall be necessary for the safe transportation of such convicts, a certificate whereof shall be made out by the clerk under the seal of the court and delivered to the sheriff, and he shall deliver the certificate to the warden of the penitentiary, who shall be governed thereby in making out his order for the payment of such transportation; and all charges of prosecution and transportation made out agreeably to the provisions of this act and of the several acts herein referred to, shall be delivered to the said warden, and if upon examination he shall find them to be correct, he shall certify a correct copy thereof, with his allowance thereof, to the auditor of state, and the auditor shall, upon presentation of such certified copy and allowance, issue his warrant for the amount upon the treasurer of state, who shall pay the same; provided, no allowance shall be made for the payment of any guard who shall not have actually assisted in the transportation of such convicts; and also provided, the sheriff shall not be entitled to charge mileage for himself for transporting any convicts to the penitentiary oftener than once every twenty days.

Warden to certify allowance of charges to auditor of state, &c.

Acts repealed.

SEC. 2. That the act entitled "an act to amend the act entitled an act making provision for carrying into effect the act for the punishment of crimes," passed February 26, 1835, and an act entitled "an act regulating the fees of sheriffs in civil and criminal cases, passed March 13, 1837," passed January 4, 1838, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 22, 1860.

AN ACT

Swan's Rev. Stat. 280.

To amend the first section of the act of April 9, 1852, entitled "an act to prevent fraudulent practices."

2 Carw. 1760.

False or fictitious bills of lading.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act of April 9, 1852, entitled "an act to prevent fraudulent practices," be so amended as to read as follows: Sec. 1. If any person shall execute and deliver, or shall cause or procure to be executed and delivered to any person, any false or fictitious bill of lading, receipt, schedule, invoice, or other written instrument, to the purport or effect that any goods, wares, merchandise, live stock, or other property usually transported by carriers,

had been or were held, delivered, received, placed or deposited on board of any steamboat or water craft, navigating the waters in or bordering upon the state of Ohio, or at the freight office, depot, station or other place designated or used by any railroad company or other common carrier for the reception of any such property so usually transported by carriers, when such goods, wares, merchandise, live stock or other property were not held, or had not in fact and in good faith been delivered, received or deposited on board of such steamboat or other water craft, or at such freight office, depot, station or other place so designated or used by any common carrier for the reception of such property, when such bill of lading, receipt, invoice, schedule or other written instrument was made and delivered according to the purport and effect of such bill of lading, receipt, invoice, schedule, or other written instrument, with intent to deceive, defraud or injure any person or corporation; or if any person shall indorse, assign, transfer or put off, or shall attempt to indorse, assign, transfer or put off, any such false or fictitious bill of lading, receipt, invoice, schedule, or other written instrument, knowing the same to be false, fraudulent or fictitious; the person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor for a term not exceeding four years, nor less than one year.

SEC. 2. That original section one of the above named act be and the same is hereby repealed; provided, however, that such repeal shall in no wise affect any liabilities incurred under the said section so repealed, nor any proceedings under the same which may have been or which may be hereafter instituted under the same.

Repealing and
saving clause.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 22, 1860.

AN ACT

To provide for the enlargement of the Ohio penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the warden and directors of the Ohio penitentiary are hereby authorized and directed to provide immediately for the enlargement of that institution, in addition to the enlargement now provided for by law, by extending the east wing thereof, in an easterly direction, and

Warden and
directors to
provide for
enlargement
of peniten-
tiary.

extending the east cell house in a corresponding manner, with the addition of a sufficient number of cells to meet existing wants, for the accomodation and confinement of male convicts.

Plan, capacity and style of enlargement.

SEC. 2. Said cells to be constructed after the same plan and in the same style of those now being constructed in said east wing. The said enlargement to be made with a view to such general plan as will, when said east wing and cell house are completed, give said penitentiary the capacity for the accommodation of one thousand male convicts.

How built.

SEC. 3. The entire structure shall be well and substantially built of stone, with special reference to economy, and to the safe keeping and comfort of the convicts, and also to be constructed in a manner to correspond in material and appearance with the present east wing.

Enlargement of dining-hall, &c.

SEC. 4. The said warden and directors are hereby authorized and directed to provide for the enlargement of the dining-hall, kitchen, bake-room and wash-room, so as to provide for the wants and accommodation of one thousand male convicts, adopting such plan as shall secure that end, with a view to economy and permanence, and with a view to the corresponding enlargement of chapel and hospital in the upper stories of the same building; the said enlargement of the dining-hall and kitchen to be made upon the east side thereof, with walls to correspond in appearance and material with the walls of the present dining-hall.

New work-shops to be constructed.

SEC. 5. They are also authorized and directed to construct immediately, two new work-shops, in the northern part of the prison yard, of sufficient capacity for the accomodation of one hundred convicts each, as nearly as may be, the walls to be made of brick, and to be two stories high and covered with slate roof; the walls to be laid up of sufficient thickness to bear the weight and strain of machinery, reference being had to the kind of business to be done in the said shops.

Old to be removed.

SEC. 6. They are hereby authorized to take down and remove the cooper shop (so called) as soon as the said new shops are finished and ready for use.

Location, &c.

SEC. 7. In the location of said shops, and the enlargement of the dining hall and kitchen departments, they are hereby directed to carry out the general plan submitted by the penitentiary commissioners to his excellency the governor of Ohio, on the 3d of March, 1860, in the drafts accompanying their report to him.

How work to be executed.

SEC. 8. They shall have power to execute by convict labor so much of any or all work contemplated by this act as in their opinion will be conducive to the best interests of the state, and shall complete the remaining portion, or the whole, as the case may be, by dividing the same into suitable parcels, and advertising for sealed proposals for contracts, in the daily Ohio Statesman and the daily Ohio State Jour-

nal, for not less than three consecutive weeks before the time when such contracts are proposed to be let; and such advertisement shall contain proposals for the completion of each separate parcel, and for the entire work. All bids offered on the day when the letting is to take place, shall be rejected; and all bids received shall be opened on that day, in the presence of said warden and directors, and not otherwise.

Sec. 9. All contracts shall be let by said warden and directors to the lowest responsible bidder, and shall specifically set forth the work contracted to be done, style, time when to be completed, materials to be used, &c.; and in no event shall the time for the completion of the entire improvement extend beyond the first day of November, 1860. Every contracting party shall give bond to the state of Ohio at the time of putting in such proposals for contract, which said bond shall be in such sum as the said warden and directors shall direct, conditioned that the party making the proposal will accept the contract, if the same be awarded to said party, and for the performance of the contract by said party; and no bid shall be received, and no contract, authorized by this act, shall be held to be complete, until, together with the bonds and security, it shall have been first approved by the attorney-general and auditor of state.

Contracts for work—how to be made.

Sec. 10. Said warden and directors are hereby empowered to hire out to the contractors, or any of them, convict labor, upon such terms and to such extent as will best subserve the interests of the state; and in cases where two or more bidders shall be equal, and none lower, the directors and warden are empowered to decide which shall take the contract.

Convict labor:

Directors and warden to decide where bids are equal.

Sec. 11. The said warden and directors are hereby authorized to take from the quarry belonging to the state, all the stone needed for said structures and enlargements, and, for that purpose, they are hereby authorized and directed to control so much of said quarry as is necessary for said purpose, but for no other purpose.

Stone for building.

Sec. 12. That said warden shall be the acting director of such proposed improvements, and the said directors shall be advisory, and they may employ, at their discretion, an architect, and such other assistants as may be necessary; and whenever the expression "warden and directors" occurs, or is referred to in this act, it shall be held to refer to them as a collective body, a majority of whom shall be competent to the discharge of business.

Warden to be acting director.

Definition.

Sec. 13. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay for work performed, and materials furnished for the purposes aforesaid, the sum of forty thousand dollars; such moneys shall be paid out in the same manner as other moneys are, upon the certificate of said warden and directors, which certificate shall only be given to pay for work actually done and materials

Appropriation.

actually used in making the improvements authorized by
h .

Sec. 14. This act shall take effect and be in force from
and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 23, 1860.

AN ACT

To change the time of holding the summer term of the court of common pleas
of Wood county, in the tenth judicial district, for the year 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the summer term of the court of common pleas of Wood county, Ohio, in the tenth judicial district, shall commence, for the present year, on the first (1st) day of May, in place of the 15th day of May, as heretofore fixed by the judges of said district.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 23, 1860.

AN ACT

To change the time of holding the summer term of the court of common pleas
of Fulton county, in the third judicial district, for the year 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the summer term of the court of common pleas of Fulton county, Ohio, in the third judicial district, shall commence on the twenty-ninth day of May of the present year, instead of on the fifteenth day of May, as heretofore fixed by the judges of said district.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 23, 1860.

AN ACT

To amend the second section of an act passed March 10, 1860, entitled "an act to amend an act regulating the publication of the Ohio reports," passed April 14, 1854.

Ante, page 26,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the act passed March 10, 1860, entitled "an act to amend an act regulating the publication of the Ohio Reports, passed April 14, 1854," be and the same is hereby amended so as to read as follows:

Sec. 2. That section two of said act of April 14, 1854, be amended so as to read as follows: Each volume of said reports shall contain all the cases decided at each term of said court and which are to be reported, and the manuscript opinions in which shall have been delivered in time to the reporter by the judges, unless the court should be of opinion that for the volume to contain all the cases aforesaid, it would thereby be too large, and therefore direct the reporter not to put into any volume more than a specified number of pages, in order to secure uniformity in the size of the volumes as near as may be. The three hundred and fifty copies of each volume of said reports to be delivered by the reporter or publisher under his authority to the secretary of state, shall be received by him, and paid for by the treasurer of state on the warrant of the auditor of state, and said copies thus delivered to the secretary of state shall be kept for the use of the state, except such number thereof as may be exchanged with other states for the reports of such states, but in no case shall any of said copies thus delivered to the secretary of state be sold to persons in this state, or disposed of to booksellers or publishers, or other persons for sale in this state; and neither the said reporter nor other persons shall make sale of said reports to any purchaser for use in this state, at a greater price than three dollars and fifty cents for any copy of any volume; and it is further provided, as a further condition of the right by this act allowed to said reporter, that a volume of said reports shall be published and ready for sale and delivery within four months after the judges shall deliver to the reporter all the manuscript opinions for the particular volume.

Contents of each volume.

Copies to be delivered to secretary of state.

Maximum price per copy.

Time of publication.

Sec. 2. That said section two, so amended by this act, be and the same is hereby repealed, and that this act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 23, 1860.

AN ACT

55 Laws 89.

To amend the seventeenth section of the "act to define the powers and prescribe the duties of the board of commissioners of the sinking fund," passed April 12, 1858.

Close of transfer books.

Pay rolls to be made in duplicate.

To whom interest shall be paid, &c.

Disposition of pay rolls.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the seventeenth section of the "act to define the powers and prescribe the duties of the board of commissioners of the sinking fund," passed April 12, 1858, be and the same is hereby amended so as to read as follows :
 Sec. 17. The transfer books shall be closed on the fifteenth day of June and December in each year, in order to make perfect pay rolls of all interest then coming due to the public creditors, and for the purpose of payment of such interest on the first day of July and January in each year, and for that purpose the said transfer books shall remain closed from said periods until the fifteenth day of July and January in each year, and the said pay rolls shall be made out in duplicate, one of which to be made from the stock ledgers in the office of the said commissioners at the seat of government, and the other of said pay rolls shall be made from the stock ledgers kept at the office of the agency of the state in the city of New York as aforesaid ; and said pay rolls shall be carefully prepared, and shall perfectly correspond with each other, and with the accounts of said public creditors on said stock ledgers, and no payment of interest on the public funded debt of the state shall be made except to the owner thereof in person, or to his or her legally authorized agent or attorney, nor until such owner or his or her said agent or attorney shall have signed one of the said duplicate pay rolls, and all such signatures shall be fixed to one and the same pay roll at the close of each period prescribed for the payment in New York of the interest semi-annually payable there; the said commissioners shall return the said duplicate pay rolls to the seat of government, and, after causing the signatures so affixed in the city of New York to one of said pay rolls to be accurately transcribed on the unsigned pay roll, shall file the one containing the original signatures in the office of the said commissioners, and the other in the office of the treasurer of state.

SEC. 2. That the original section seventeen of the act aforesaid be and the same is hereby repealed, and that this act be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 23, 1860.

AN ACT

To provide for the purchase and distribution of the fourth volume of Curwen's Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state is hereby authorized and directed to purchase of M. E. Curwen, for the use of the state, five hundred copies of the fourth volume of Curwen's Revised Statutes of Ohio, at the price of three dollars and seventy-five cents for each copy; provided said volume shall contain all the statutes of this state of a general nature, passed by the general assembly from the first Monday of January, in the year eighteen hundred and fifty-four, until the close of the session held during the present year, together with a copious index of the whole; and shall be printed and bound in uniform style, and shall correspond in all respects with the three volumes heretofore published; and provided further, that a copy of said fourth volume shall be first submitted to the attorney general for examination.

Secretary of state to purchase 500 copies of Curwen's Rev. Stat.

What to contain.

SEC. 2. Upon the delivery of said five hundred copies to the secretary of state, together with the certificate of the attorney general that said volume has been edited, printed and bound as provided in section one of this act, the same shall be received by said secretary, and shall be paid for out of the treasury upon the warrant of the auditor of state, which shall be issued at any time subsequent to the first day of January next, upon the presentation of the receipt given by said secretary for said copies; and for such payment the sum of eighteen hundred and seventy-five dollars is hereby appropriated from any money in the treasury for general revenue purposes. The secretary of state shall preserve said statutes, subject to distribution according to law, and shall keep a record of such distribution.

How and when to be paid for, and how to be preserved.

SEC. 3. The secretary of state shall cause to be distributed in the same manner as the general laws are now distributed, copies of said fourth volume as follows: To the offices of the governor, attorney general, secretary of state, treasurer of state, auditor of state, clerks of the supreme court, and of the court of common pleas of each county, one copy each; said copies to be the property of the state, and to remain in said offices. There shall be placed in the state library six copies. One copy shall be given to each of the following officers for their own use: The governor, attorney general, and each supreme judge. At the opening of each regular, adjourned and extra session of the general assembly, the secretary of state shall deliver to the sergeant-at-arms of the senate, ten copies, and to the sergeant-at-arms of the house of representatives, twenty copies, for the use of members and presiding officers during such session; and it shall be the duty of said sergeant-at-arms at the close of such session to re-deliver all such copies to the secretary of state.

Distribution.

Re-delivery to secretary of state.

None to be
sold.

SEC. 4. No copies of said volume so purchased shall be sold or in any way disposed of, except as in this act provided; but the governor shall have power to direct the secretary of state to exchange copies of said volume, not exceeding thirty in number, for the revised statutes of other states.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 23, 1860.

AN ACT

Making appropriations for the year 1860, and for the first quarter of the year 1861.

General approp-
riations for
1860-1.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, in addition to former appropriations, be and the same are hereby appropriated out of any money in the state treasury belonging to the general revenue, to be paid out according to existing laws, namely:

Executive offi-
cers.

For the payment of the salaries of the governor, auditor, treasurer, and secretary of state, comptroller of the treasury, attorney general, commissioner of common schools, commissioner of statistics, librarian, and secretary to the governor, and secretary of the school commissioner, thirteen thousand six hundred dollars.

General
assembly.

For the payment of the lieutenant governor, members of the general assembly, their clerks and assistant clerks, sergeants-at-arms, and assistant sergeants-at-arms, and messengers, twenty thousand dollars. For payment of publishing the daily proceedings of the general assembly in the Ohio State Journal and Ohio Statesman, twelve hundred dollars.

Judges.

For the payment of the salaries of the judges of the supreme court, courts of common pleas and superior courts, eighty thousand one hundred dollars.

Clerks' sala-
ries.

For the payment of the salaries of clerks in the office of the auditor of state, seven thousand five hundred dollars.

For the payment of the salaries of the clerks in the office of the treasurer of state, three thousand five hundred dollars.

For the payment of the salaries of clerks in the office of the secretary of state, two thousand dollars.

For the payment of the salaries of clerks in the office of the comptroller of the treasury, three thousand dollars.

For the payment of the salary of the clerk of the attorney general, six hundred dollars.

For the contingent fund of the governor, two thousand dollars, including the amount necessarily expended under the joint resolution relative to the Polly negroes.

Contingent funds.

For the contingent fund of the auditor of state, fifteen hundred dollars.

For the contingent fund of the treasurer of state, fifteen hundred dollars.

For the contingent fund of the secretary of state, eight hundred dollars.

For the contingent fund of the comptroller of the treasury, five hundred dollars.

For the contingent expenses of the attorney general, fifteen hundred dollars.

For the contingent fund of the state librarian, five hundred dollars.

For the contingent fund of the commissioner of statistics, five hundred dollars.

For the contingent fund of the commissioner of common schools, five hundred dollars.

For the contingent fund of the supreme court, five hundred dollars.

For the payment of the salaries of the superintendent and janitor of the state house, two thousand dollars.

Superintendent and janitor state house.

For the payment of the engineer of the heating apparatus and other laborers employed, and necessary expenses of heating the state house, to be paid on the certificate of the superintendent of the state house, two thousand dollars.

Engineer and laborers.

For the purchase of fuel for warming the state house, five thousand dollars.

Fuel.

To enable the auditor, comptroller and treasurer of state to balance their accounts with section three of the Ohio canals, for the year 1858, the sum of sixteen thousand three hundred and thirty-three dollars and eighty cents.

Canals, sec. 3.

For the payment of the Columbus gas light and coke company, for gas supplied to the state, three thousand five hundred dollars.

Gas.

For payment of the crier of the supreme court, including arrearages, to be paid on the certificate of the chief justice, six hundred dollars, including the claim of George Riordan, late crier of said court.

Crier supreme court.

For payment of the messenger of the supreme court, to be paid on the certificate of the chief justice, five hundred dollars.

Messenger.

For the payment of the state's proportion of taxes refunded by counties, one thousand dollars.

Refunded taxes.

For the payment of the mileage of county treasurers in traveling to and returning from the seat of government in making their settlements with the auditor of state, two thousand dollars.

Mileage county treasurers.

For the purchase of the Ohio State Reports, seven hundred and twenty dollars.

O. S. Reps.

Law books, &c., for library.	For the purchase of law books under the direction of the chief justice, five hundred dollars.
	For the purchase of books and for binding for the state library, one thousand dollars.
	To pay for outside door to library and shelving, one hundred dollars.
Distribution laws, &c.	For the distribution of laws and journals, legislative and executive documents, and other documents printed by order of the general assembly, fifteen hundred dollars.
Seals.	For seals to be furnished to counties by the secretary of state, fifty dollars.
Stationery.	For the purchase of stationery for the use of the state departments, and general assembly, including printing paper, and other articles necessary for the general assembly, thirty thousand dollars.
Printing.	For the payment for printing for the state and executive departments, and of the laws, journals, documents, reports, and other work ordered by the general assembly, in accordance with the laws of the state, twenty thousand dollars.
Binding.	For the payment for folding, binding and stitching for the state and executive departments, and of the laws, journals, documents and reports ordered by the general assembly, and other necessary work done pursuant to the laws of the state, sixteen thousand dollars.
Night watch.	For the payment of a night watch of the state house, to be appointed by the treasurer of state and paid on his certificate, the sum of five hundred dollars.
Ice.	For the payment of Frederick Jaeger for ice furnished the general assembly in 1859, sixty-one dollars; and to pay said Jaeger's bill for ice furnished this general assembly, forty dollars.
Trustees benevolent institutions.	For payment of the expenses of the trustees of the benevolent institutions, two hundred dollars.
Expense senate and house committees.	For payment of the expenses of senate and house committees on the benevolent institutions, one hundred and sixty dollars and thirty-five cents.
Examiners of treasury.	For the payment of the special examiners appointed by the auditor of state and comptroller of the treasury to examine and inspect the offices of canal collectors, receivers, and other state officers, and their accounts, under existing laws, twelve hundred dollars.
Presidential elections.	For the payment of expenses of presidential elections, five thousand five hundred dollars.
Special do.	For the payment of the expenses of special elections, two hundred dollars.
State board agriculture.	For the state board of agriculture, being the proceeds of show licenses and escheated lands, twenty-one hundred dollars, and any further sum, not exceeding five hundred dollars, that may come into the treasury from the same sources during the current fiscal year.
School libraries.	For furnishing school libraries and apparatus, and for the expenses of distributing the same agreeably to the provisions

of existing laws on the subject, a sum not exceeding the amount received into the state treasury from all sources, for that purpose.

For the salary of the adjutant general, three hundred dollars, and for his contingent expenses, two hundred dollars. Adjutant general.

For payment of the clerk in the office of and to be employed by the adjutant general, four hundred dollars. Clerk.

For the salary of the quarter-master general, four hundred dollars, and for his contingent expenses, three hundred dollars. Quarter master.

For the rent of arsenal, and collection and transportation of public arms, nine hundred dollars. Arsenal.

For the payment of an armorer, to be employed by the quarter-master general, and paid on his certificate, at the rate of one dollar and fifty cents per day, five hundred dollars. Armorer.

For payment of the costs of sustaining United States prisoners, under the act of December 20, 1806, two thousand dollars. U. S. prisoners.

For the payment of Thomas Ewing and H. H. Hunter, for professional services in case of the Columbus insurance company and others, two hundred and fifty dollars each. Counsel fees—Col. Ins. Co.

To pay expenses and fees of counsel representing the state in the canal contract case (Arnold Medbery vs. The State of Ohio) now pending in the supreme court of the United States, two thousand dollars, to be paid on the certificate of the attorney general. Medbery v. State.

To pay expenses and fees of counsel appearing for the state in the suits now pending, or which may be brought in the courts of the United States, respecting the collection of the taxes assessed against the banks of the state, under the act passed April 8, 1859, fifteen hundred dollars, to be paid on the certificate of the attorney general. Bank tax cases.

For the payment of a balance found due by the court of common pleas of Franklin county, on the second day of February, 1860, to Peter P. Lowe, one hundred and forty-one dollars and thirty-eight cents. Judgment P. P. Lowe.

For payment of J. D. Osborn & Co., for window fixtures for senate chamber, eleven dollars and seventy-six cents. Other specified claims.

For payment of G. W. Heyl, for furniture and repairs in senate chamber, seventeen dollars and seventy-five cents.

For payment of Dennis Mahoney, for labor in senate chamber, ten dollars.

For payment of Henry Fraas, for mending carpet and matting in senate chamber, four dollars.

For payment of J. H. Riley & Co., for map for senate chamber, five dollars.

For payment of indebtedness to Columbus machine manufacturing company, for balance due them on contract, as reported by state house commissioners, six thousand nine hundred and thirty-one dollars and forty-five cents.

For sinking the artesian well, to be expended according to the joint resolution of the general assembly, adopted April 8, 1857, or in such other manner as the general assembly may direct, three thousand dollars.

For paying expenses incurred by the joint committee of the general assembly in entertaining the officers and members of the legislatures of the states of Kentucky and Tennessee, under authority of the joint resolution heretofore adopted, five thousand seven hundred and four dollars and twenty-six cents.

For the payment of A. K. Rauser, forty dollars, and William Kesselring, twenty dollars, money refunded for land sold them by the state, to which the state had no title.

For the payment of Robert L. Wynnee, for interest on protested checks of the state, eighty-seven dollars and eighty-four cents.

For the payment of Joseph Warwick, as sergeant-at-arms of house, for cleaning, repairing and replacing carpet, sixty-three dollars.

For the payment of Joseph Warwick, sergeant-at-arms of the house, for procuring locks to be repaired and other work in house, and for window shades for hall, sixty-two dollars and eighty cents.

For payment of expenses of joint committee on reform school in visiting reform farm, eleven dollars.

For the payment of the expenses of the house committee sent to investigate the claim of Matthias Steffin, sixteen dollars.

OHIO PENITENTIARY.

Officers.

For the payment of the salaries of the warden, deputy warden, clerk, physicians, chaplain and assistant teacher, and matron of the Ohio penitentiary, five thousand two hundred and sixty dollars; and for per diem of the directors, six hundred dollars.

For the payment of guards at the penitentiary, seventeen thousand dollars; and for the first quarter of 1861, six thousand dollars.

Current expenses.

For the general current expenses of the Ohio penitentiary, thirty-seven thousand five hundred dollars; and for the first quarter of the year 1861, thirteen thousand dollars.

Convicts' costs.

For the prosecution and transportation of convicts to the penitentiary, thirty thousand dollars; and for the first quarter of the year 1861, ten thousand dollars.

Discharged convicts.

For payment to discharged convicts, twelve hundred dollars.

Hame shop.

For the completion of the new hame shop, as per recommendation of warden, two thousand two hundred dollars.

Roof.

For putting on new or repairing old roof, as per report of the warden, one thousand seven hundred dollars.

For cell doors, &c., two thousand nine hundred and forty-two dollars. Cell doors.

For refunding over-work of prisoners paid into the treasury, a sum not exceeding the amount of over-work money paid into the treasury. Over-work.

For payment of the per diem and expense of the commissioners on the subject of a new penitentiary, appointed by the governor under a resolution of the last general assembly, a sum not exceeding twelve hundred dollars; provided, the said commissioners shall each receive the sum of three dollars per day for their time actually employed as such, and their traveling expenses, but not their board bills, the same to be audited and allowed by the auditor of state. Penitentiary commissioners.

For the purchase of five hundred copies of the bible, for the use of the convicts of the penitentiary, to be paid on the certificate of the warden of the penitentiary, two hundred and fifty dollars. Bible.

CENTRAL OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the central Ohio lunatic asylum, three thousand two hundred dollars. Officers.

For the payment of the salary of the moral instructor of said asylum, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, twenty-five thousand dollars; and for the first quarter of the year 1861, ten thousand dollars. Expenses.

SOUTHERN OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the southern Ohio lunatic asylum, two thousand seven hundred dollars. Officers.

For the payment of the moral instructor of said asylum, and library, two hundred dollars.

For provisions and necessary current expenses of said asylum, and for repairs, sixteen thousand dollars; and for the first quarter of the year 1861, six thousand dollars. Expenses.

For an additional story on engine and laundry house, fifteen hundred dollars.

NORTHERN OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the northern Ohio lunatic asylum, two thousand seven hundred dollars. Salaries.

For the payment of the moral instructor of said asylum, two hundred dollars.

For provisions and necessary current expenses and repairs for said asylum, sixteen thousand dollars; and for the first quarter of the year 1861, six thousand dollars. Expenses.

Specific articles.

For library, pictures and maps, three hundred dollars.
 For omnibus, two hundred and twenty-five dollars.
 For melodeon, one hundred dollars.
 To provide soft water for the institution, two hundred and fifty dollars.
 For repairs and resetting boilers, five hundred dollars.
 For steam-pipes, six hundred dollars.
 For furnace and retorts for manufacturing gas, four hundred dollars.
 For shaker washing-machine, three hundred dollars.
 For repairing roof of insane asylum at Newburg, eighty-five dollars and sixty-seven cents.

DEAF AND DUMB ASYLUM.

Officers.

For the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the deaf and dumb, seven thousand two hundred and fifty dollars.

Expenses.

For provisions and necessary current expenses and repairs of said asylum, four thousand dollars; and for the first quarter of the year 1861, three thousand dollars.

BLIND ASYLUM.

Officers.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the blind, four thousand four hundred and twenty-five dollars.

Expenses.

For provisions and necessary current expenses and repairs of said asylum, two thousand dollars; and for the first quarter of the year 1861, three thousand dollars.

For furniture, bedding and repairs, one thousand dollars.

ASYLUM FOR IDIOTS.

Officers.

For the payment of the salaries of the superintendent, other officers and teachers, of the state asylum for idiots, thirteen hundred and fifty dollars.

Expenses.

For provisions and necessary current expenses of said asylum, including rent, wages, furniture and repairs, four thousand five hundred dollars; and for the first quarter of the year 1861, fifteen hundred dollars.

Hamilton county asylum

For the lunatic asylum of Hamilton county, under the provisions of the act passed March 10, 1857, to constitute Hamilton county a separate district for lunatic purposes, eleven thousand dollars; and for the first quarter of the year 1861, three thousand nine hundred and eighty-seven dollars.

OHIO REFORM SCHOOLS.

Officers.

For the payment of the salaries of the officers of the state reform farm, three thousand two hundred dollars.

Expenses.

For provisions, furniture, clothing, lodging, school books, for, and educating and training boys, eight thousand dollars,

and for other necessary expenses, two hundred dollars ; and for the first quarter of the year 1861, two thousand six hundred and sixty-seven dollars.

For such work-shops, not exceeding two, for doing the mechanical work necessary to supply the wants of the institution, twelve hundred dollars. Work shops,

For fruit trees, agricultural implements, a horse and sheep, two hundred and fifty dollars. Trees, &c.

SEC. 2. No expenditures shall be made by any officer of state, or by the directors of the penitentiary, or trustees, or other officers of the state institutions, or any contract made so as to incur any indebtedness on the part of the state, beyond the appropriations in this act made for the several purposes therein named. General provision.

SEC. 3. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To more effectually protect wool-growers against loss by dogs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person owning, harboring or keeping any dog, shall be liable to the party injured, for all damages done by such dog ; and it shall be lawful for any person to kill, or cause to be killed, any dog or dogs which he may find roaming at large, on his premises, without the presence of the owner or keeper of such dog ; and it shall further be lawful for any person, at any time, to kill, or cause to be killed, any dog which may be, or may have been, found killing, worrying or injuring any sheep or lambs. Liabilities of owner of dog, and when dog may be killed.

SEC. 2. The act entitled "an act for the protection of sheep," passed April 22, 1852, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To re-enact sections sixty eight and fifty-one of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Preamble.

WHEREAS, The constitution of this state provides that the general assembly may establish other courts than those named in the constitution itself, whenever two-thirds of the members elected to each house shall concur therein. And whereas, the supreme court has decided that the sixty-eighth and fifty-first sections of the act to provide for the organization of cities and incorporated villages, which define the civil and criminal jurisdiction of mayors of cities of the second class, as within the purview of the constitutional provision referred to; and whereas, said act was not passed by a vote of two-thirds of the members elected to each house of the general assembly; therefore,

53 Laws 65.

Juries in
mayor's court
of cities of the
second class.

Jurisdiction
and powers of
mayor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section sixty-eight of said act as amended by the third section of an act supplementary to said act, passed April 5, 1856, be and the same is hereby re-enacted as follows: Sec. 68. The city council of cities of the second class shall have power to provide, by ordinance, for the summoning and impanneling juries by mayors of such cities, and such jury shall have the qualifications of jurors in the court of common pleas; jurors and witnesses in all prosecutions before the mayor for violations of the city ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal, in such cases, shall be provided for by ordinance—all of which fees, in case of conviction, shall be taxed against the parties convicted, and in case of acquittal shall be taxed against the city, and (except the fees of the mayor and marshal) paid out of the treasury upon the certificate of the mayor. The mayor of cities of the second class shall have, within the limits of the same, all the jurisdiction and powers of a justice of the peace, in all matters, criminal and civil, arising under the laws of this state, to all intents and purposes whatever; and for crimes and offenses, his jurisdiction shall be coextensive with the county; he shall give bond and security, as is required of justices of the peace, to be approved by the city council; he shall have exclusive jurisdiction of all prosecutions for violation of the ordinances of the city; he may award and issue any process or writ that may be necessary to enforce the administration of right and justice throughout the city, and for the lawful exercise of his jurisdiction according to the usages and principles of law; and he shall, in the discharge of the duties of justices of the peace, receive the fees and compensation allowed by law in such cases.

SEC. 2. That said section fifty-one of said act be and the same is hereby re-enacted as follows: Sec. 51. The mayor of the corporation shall be a conservator of the peace throughout its limits, and shall have within the same all the power and jurisdiction of a justice of the peace in all matters, civil and criminal, arising under the laws of this state, to all intents and purposes whatever; and for crimes and offenses committed within the limits of the incorporation, his jurisdiction shall be coextensive with the county; he shall give bond and security, as is required by law of justices of the peace, to be approved by the council, and the said mayor shall perform all the duties required of him by the laws and ordinances of the corporation, and appeal may be taken in the same manner as from the decisions of justices of the peace; he shall keep a docket, and shall be allowed and receive the same fees that justices of the peace are or may be allowed for similar services.

Swan's Rev
Stat. 967.
[Sec. (47) LI.]
General powers and duties
of the mayor.

SEC. 3. Section fifty-one and section sixty-eight of an act to provide for the organization of cities and incorporated villages, passed May 3, 1853, be and the same are hereby repealed.

SEC. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

Defining the powers and prescribing the duties of the board of public works

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the public works of the state shall be divided by the board of public works into three grand divisions or districts, to be designated by such names or numbers as said board shall deem proper, and to be of such limits and extent as said board from time to time shall prescribe; and each member of the board of public works shall, as the acting commissioner of said board, take charge of such division as may be assigned to him by said board, and be responsible to the extent of his power and authority for the due and faithful administration of the affairs of such district or division.

Division of
public works
by board.

Each member
to be acting
commissioner
of a division.

SEC. 2. The term of office of the member of the board of public works elected on the second Tuesday of October last, shall commence on the sixteenth day of February, and shall continue for three years thereafter and until his suc-

Terms of office
of members of
the board.

cessor shall be elected and qualified; and the other members of the board heretofore elected and qualified, shall, in like manner, continue to hold their offices for the term of three years from the time they were sworn into office, and until their successors shall be elected and qualified; and the term of office of the member of the board hereafter annually elected, shall commence on the second Tuesday of February thereafter.

Oath.

SEC. 3. The members of the board of public works shall each take an oath or affirmation to support the constitution of the United States and of the state of Ohio, and to honestly and impartially discharge the duties of the office; and shall also give bond, with sufficient security, to be approved by the governor, in the penal sum of not less than thirty thousand dollars, conditioned for the honest and faithful discharge of the respective duties of their office, and for the faithful accounting for and paying over of all moneys which may come into their hands respectively, according to law, which bonds, with the approval of the governor indorsed thereon, shall be filed with the treasurer of state. The members of the board of public works shall designate and appoint one of their number to act as the president of said board, and who, in addition to his duties as acting commissioner, shall perform such duties as are or shall be required by law of the president thereof; and said board shall continue to keep the "office of public works" at the seat of government, in which office shall be kept all the books and papers, records, and other documents of said board, which shall be open to the inspection of all persons interested, at all reasonable times; and all notices or reports required by law to be given to the said board by any of the officers of the state, when left in writing at said office, or deposited with any person who may have charge of the same, shall be considered as having been duly given and served upon said board. The president shall have charge of said "office of public works," and the custody of the records, books, papers and documents aforesaid, and shall conduct the correspondence of said board.

Shall appoint
president—
His duties.

Office of
board

Appointees of
the board—
their terms of
office, duties,
bonds, and
oaths.

SEC. 4. The said board of public works shall have power to appoint not exceeding five resident engineers, and to assign to each of them the supervision of such part of said grand divisions or districts as, in their opinion, shall be for the best interests of the state, under such rules and regulations, not contrary to law, as may be from time to time prescribed by said board; and the respective terms of office of said engineers shall commence on the first Monday of April, A. D. 1860, and annually thereafter on the sixteenth day of February. The said board of public works shall also have power to appoint the collectors of tolls on the canals of the state, at all such points as shall have been or may be established for the collection of tolls, as hereinafter

provided; and said collectors shall be governed by such rules and regulations as the board may prescribe, not inconsistent with law, and shall receive such compensation as hereinafter provided. Every collector or other officer in any wise entrusted with the collection or disbursement of tolls or other revenue pertaining to the public works, shall, previously to his assuming the duties of his office, give bond to the state of Ohio, for the faithful discharge of the duties of his office, which bond, with sufficient security approved by the said board, shall be by them immediately deposited in the office of the auditor of state. The penal consideration of said bond shall not be less than fifty per cent. of the amount of money collected or disbursed by the same officer in the preceding year, and shall be conditioned for the faithful performance of his duties, and for the prompt collection, disbursement, paying over and accounting for all moneys which shall come to his hands, belonging to the state. The said board of public works shall also have power—and it is hereby made their duty—to appoint such number of superintendents of repairs, gate-keepers, weigh-masters and inspectors, as, in their opinion, the labor to be performed on the several public works may require to render the same efficient, and for the interest of the state. Every officer appointed under the provisions of this act, before entering on the duties of his office, shall take and subscribe an oath or affirmation that he will diligently and faithfully discharge all the duties appertaining to his appointment, and promote, to the extent of his ability, the interests of the state, so far as may be legally in his power. Every person so appointed to office shall receive duplicate certificates of such appointment, signed by the president of the board and attested by the secretary of the board, upon one of which certificates shall be indorsed and subscribed the oath above required to be taken, before some one having the power to administer an oath, and the same shall be certified and attested by such person, and by such appointee handed to the acting commissioner of his division, or forwarded by mail to the board of public works, to be filed in the office thereof; and said appointee shall hold his said office for the term of one year from the time of his appointment, and until his successor may be appointed and qualified; provided, that every person so appointed may be removed at any time previous to the expiration of his term, by the board of public works, for neglect of duty or malfeasance in office. All vacancies that shall occur in either of the offices aforesaid, occasioned either by death, resignation, removal, or otherwise, shall be filled for the residue of the term, in the same manner and by the same authority as hereinbefore provided for making appointments for a full term; and all such officers so appointed, and serving a part only of the term of office, shall be paid rateably a due proportion of the salary hereinafter provided, and no more.

Monthly estimate of resident engineer to be basis for check of acting commissioner for advanced payments.

Disbursement of such advanced payments by superintendent.

Surplus in hands of superintendent at end of quarter.

SEC. 5. That to provide for the prompt payment of laborers, and for the purchase of materials, and incidental expenses in the current repairs of any of the public works of the state, the resident engineer on any division may, at the commencement of any month, or at any intermediate convenient time therein, estimate the amount as near as practicable that will be needed to pay for the repairs of said quarter, exclusive of the salary of the superintendent, and may issue his certificate in favor of the superintendent of repairs on said division, upon which certificate the acting commissioner may, if satisfied of the correctness of the estimate and of the expediency of such proceeding, draw his check for the amount, or any portion thereof, on the auditor of state, whose duty it shall be to issue his warrant on the state treasury for the amount specified in the check, and to charge the same to the particular work or improvement to which it properly belongs. The superintendent in whose favor said advanced payments shall have been made, shall thereafter immediately proceed to pay all indebtedness which he may have incurred on behalf of the state for repairs, materials or incidental expenses, upon the division under his charge, and shall thenceforth, during said current quarter, pay all laborers weekly, unless prevented by unusual events happening on his division and rendering a strict compliance with this requirement inconvenient for the time being, on which contingency he shall make such payment at the earliest practicable time thereafter; and the said superintendent shall settle with the said resident engineer quarterly, as usual heretofore, and immediately if required by said engineer, as the basis upon which to predicate his estimate for the remaining part of the current quarter, and no voucher shall be allowed in the settlement of a superintendent's account, unless the money for which it purports to be a receipt shall have been actually paid, and the rates of the labor or material shall be such as shall be approved by the resident engineer aforesaid. Should it so happen that a surplus shall remain in the hands of any superintendent at the end of any quarter, the same shall be carried forward to be used in like manner in the next succeeding quarter, but for the closing quarter of said superintendent's term of office, the said engineer shall not include in his estimates any amount for the last thirty days of said term, and shall be careful to limit the amount of his estimate for that quarter, or any part thereof, below the actual amount of the probable expenditures, so as to prevent any surplus remaining in the hands of any superintendent at the close of his term of office; but if, notwithstanding such precaution, any balance should remain in the hands of any such superintendent at the expiration of his official term, the resident engineer of his division shall have power to charge the same over to said superintendent and apply it to the payment of his quarterly amount of salary then due, and if any further balance re-

mains in his hands, the same shall be paid into the state treasury.

Sec. 6. The said board of public works is hereby authorized to lease water on any of the several reservoirs of the public works under such rules and regulations as are or may be prescribed by law for leasing water power on the public works of the state. And the said board is hereby further authorized and required to make, from time to time, an examination of the leases of water power upon or connected with any of the public works of the state, made by the lawful agents thereof, in cases where the lessees of water power or any assignee thereof may require it, to adjust and fix the amount of rent in arrears, or to be paid by such lessee or assigns at such prices as they may deem just and equitable, and to cancel existing leases with the consent of the lessees or assigns, or when such leases have become forfeited and said board shall deem the interest of the state will be promoted thereby to shut off the water and prevent the use thereof under any such leases, when rents shall have been due thereon and in arrears for thirty days or more, or when the lessees refuse or neglect to put in or permit to be put in such gauges as are required in their leases, and to continue to keep the water shut off until such rent be paid or such gauges be put in. And it is hereby made the duty of the president of the board of public works to furnish the auditor of state, from time to time, attested copies of all leases for water power which remain in force, and of all new leases made, and renewals or modifications of those now in force, within thirty days after the making of such lease, renewal or modification by said board; and the said president shall also, within the time prescribed, furnish attested copies of such original lease, renewal or modification to each of the collectors of tolls upon whom the duty is imposed of collecting the rents therein provided for.

Water leases.

Sec. 7. Collectors of tolls shall, in addition to such other duties as may, from time to time, be required of them, collect all water rents due the state, or to become due, as the same shall accrue, and make such return of such collections and pay over all moneys thus collected in the same manner and at the same time they are by law required to make return of and pay over the tolls by them collected. All moneys derived from tolls on the canals, turnpikes, or other improvements of the state, as well as all moneys derived from leases of water power, or the sales of land held by the state for canal purposes, or from any other source appertaining to the interest or management of the public works of the state, shall be paid into the treasury in the manner directed by law.

Water rents.

All moneys received from public works to be paid into state treasury.

Sec. 8. All claims against the state arising in the nature of awards, or for superintendence and repairs of the canals, turnpikes, or other improvements under the care and super-

Claims, how and when to be paid.

vision of the board of public works, or for any other object connected with the public works, and authorized by law, shall be paid by the check of the acting commissioner on the auditor of state, whose duty it shall be to issue his warrant on the state treasurer for the amount specified in said check, and to charge the same to the particular work or improvement for which the expenditure shall have been made. No check shall so be issued until after the consideration upon which it is based shall have been actually rendered, except in the case of superintendents of repairs, as provided in section five; and every check shall be made in favor of the identical person to whom the amount is due, and shall set forth the nature of the indebtedness, whether for materials, repairs, labor, superintendence or otherwise, and to what object and at what point or division said materials, labor or superintendence were applied. Every check shall set forth the specific appropriation which authorized its payment, and shall be accompanied with a certificate of the superintending engineer, which shall name the person or persons to whom there is indebtedness, and state the particular work on which it occurred, and the location thereof, and whether by contract or otherwise. The check and certificate thus issued, shall be registered in books, one to be kept by the engineer, and one by the acting commissioner.

Contracts for
labor, repairs,
or material.

SEC. 9. That in all cases in which it may be necessary for the board of public works, by themselves or their legally authorized agent, to let contracts for the performance of labor, or the furnishing of materials, or for the construction of feeders, dykes, reservoirs, locks, dams, and other works and devices for perfecting and keeping in repair the public works under their charge, it shall be the duty of the acting commissioner of the board, by the resident engineer having charge of the division of the public works upon which said labor is to be performed, or materials furnished, to cause such general notice of the letting of said contract by publication in the newspapers and posting up advertisements, as will secure general competition; which said notice shall contain a statement of the time, place and manner of receiving proposals of said contracts, and the character and magnitude of the work to be performed, the materials to be furnished, or both, if required, for the construction of the said works.

Prohibition as
to officers and
members of
board being
interested in
contracts, &c.

SEC. 10. No member of the board of public works, engineer, superintendent, collector of tolls, gate-keeper, weigh-master, inspector, secretary or clerk, or any other person holding office under said board during the location or construction of any canal or feeder, shall become interested, either in contract or purchase, directly or through another, in any lands, town lots or water privileges for hydraulic purposes, on or adjacent to any such canals or feeders under the charge of said board, until after the expiration of his term of office; or be engaged or concerned, either directly or through another person, in any contract for labor, construction

or supplies of any description whatever. Every person found guilty of violating the provisions of this section, on conviction thereof in any court of competent jurisdiction, on indictment or information, shall be adjudged to pay a fine of not less than one hundred dollars, nor more than one thousand dollars, and shall, moreover, forfeit his office. Penalty.

SEC. 11. It is hereby made the duty of the auditor of state to cause all the rolls, abstracts and accounts of the collectors of tolls upon the canals, slackwater or other improvements of this state, for the last and each subsequent season of navigation, to be thoroughly examined and compared with each other, so that any discrepancy between the amounts credited by the collectors receiving any moneys and the check kept by any other collector, shall be ascertained; and in case of any such discrepancy, the clearance upon which any such moneys purport to have been received, shall be examined for the purpose of ascertaining the true amount received; and if said auditor, after having ascertained the state of the accounts for the last season, deems it for the interest of the state to examine and compare as above, any part or all of the rolls, abstracts and accounts for any previous year, he is authorized to cause such examination to be made, and also for each ensuing year, and for the purpose of such examination, if necessary, he is hereby authorized to employ an additional clerk for such time as may be found necessary. Duties of auditor of state herein.

SEC. 12. Each resident engineer, appointed under the provisions of this act, shall receive an annual salary of twelve hundred dollars. Each superintendent appointed under the provisions of this act shall receive an annual salary of six hundred and sixty dollars. The collectors of tolls, appointed under the provisions of this act, shall receive, respectively, the following annual salaries, viz: At Cleveland, one thousand dollars; at Akron, eight hundred dollars; at Massillon, six hundred dollars; at Dover, six hundred dollars; at Roscoe, six hundred dollars; at Dresden, five hundred dollars; at Zanesville, seven hundred dollars; at Newark, six hundred dollars; at Carroll, six hundred dollars; at Columbus, six hundred dollars; at Circleville, six hundred dollars; at Chillicothe, seven hundred dollars; at Portsmouth, seven hundred dollars; at Cincinnati, one thousand dollars; at Waverly, five hundred dollars; at Middletown, six hundred dollars; at Dayton, eight hundred dollars; at Hamilton, six hundred dollars; at Piqua, eight hundred dollars; at St. Mary's, six hundred dollars; at Junction, one thousand dollars; at Maumee City, five hundred dollars; at Toledo, one thousand dollars; at McConnellsville, five hundred dollars; at Harmar, six hundred dollars; and at Logan, six hundred dollars. The collector's office at Delphos is hereby abolished, and the office at Defiance is removed to Junction. Weighmasters at Toledo and Cleveland shall each receive five hundred and Salaries.

Collectors' offices may be abolished, or location changed by board.

How salaries to be paid.

fifty dollars per annum; no deputy weighmasters shall be hereafter appointed. Inspectors at Toledo and Cleveland shall each receive four hundred and fifty dollars per annum; at Cincinnati, seven hundred dollars; the inspector's office at Junction is hereby discontinued. No lock-tender shall hereafter be appointed except at bulkhead or feeder locks. The board of public works shall have power to abolish any collector's office, or to change the location thereof to such place as to them shall be deemed expedient for the service and interest of the state, but no increase of salary to the collectors shall be allowed in consequence of such removal, nor shall any new office be established in any case whatever. The salaries of the several officers above enumerated shall be paid in quarterly installments, at the close of each fiscal quarter, as now established, out of the state treasury, upon the warrant of the auditor of state; but the said auditor shall not draw his warrant without the check of the acting commissioner of the proper division for the amount due such officer for such quarter, or any part thereof, according to the facts of the case; and it is hereby made the duty of such acting commissioner to ascertain the amount due for services of each of said officers, quarterly, and to issue his check accordingly, in the same manner as for any other claim against the state.

Secretary of board—term, duties, salary, &c.

Temporary clerks.

SEC. 13. There shall be appointed by the board of public works, as soon after the passage of this act as they may deem expedient, a secretary to said board, whose term of office shall commence on the first Monday of April next, and be for one year; and such appointment shall thereafter be made annually by said board, to be for the same term, commencing at the expiration of the term of the incumbent; and said secretary shall receive an annual salary of one thousand dollars, payable quarterly in the same manner that the other appointees are paid; and said board shall also have power to appoint such clerks, temporarily or as the public service in their opinion may require, and may pay them such reasonable compensation as they may deem just, not exceeding two dollars per day for the time actually employed, by check as in other similar cases. The secretary shall be subject to removal at any time by a majority of said board for neglect of duty or malfeasance in office. It shall be the duty of the board, when assembled together in their official capacity, to keep a correct and complete journal of their proceedings, which shall at all times be subject to the inspection of a committee of either branch of the general assembly, or of any person authorized by law to examine the same, or any person who may be interested in the proceedings of said board.

Annual report of board.

SEC. 14. It shall be the duty of the board of public works to report annually to the governor, at least ten days before the assembling of the general assembly, and said report to be by him transmitted along with his message to the general

assembly. Said report shall contain a full and accurate account of all moneys expended on each of the public works during the year ending on the fifteenth day of November next preceding said report, the aggregate amount of work contracted for during the year, the amount of money expended or allowed over and above the contract price, and the total value of all the work under contract remaining to be executed, estimated in each case at contract prices, together with the estimated cost of all the work in progress of execution, and such other information in relation to the public improvements as they may deem needful to the general assembly. They shall also report the revenue derived from each of the public works by tolls and other sources, how the same are levied, the manner of their collection, together with an estimate, if necessary, of such appropriations as may be required to re-construct and keep in repair the public works of the state. The said board of public works shall also, in their said annual report, give a list of all resident engineers, assistant engineers, collectors of tolls, superintendents of repairs, weighmasters, deputy weighmasters, inspectors, lock-tenders, gate-keepers and clerks, who may have been employed by said board during the year preceding said report, together with the amount of salary, allowance or perquisites paid to each, whether such salary, allowance and perquisites are fixed by law or allowed by the board, or an acting commissioner thereof; and also the amount paid and allowed for their own salaries and the contingent expenses of their office.

SEC. 15. The term of office of all persons now holding office under the appointment of the board of public works, or any acting commissioner thereof, shall expire on the first Monday of April next; and all officers appointed under the provisions of this act, except as otherwise herein expressly provided, shall take their offices commencing on the first Monday of April next, and in each succeeding year thereafter similar appointments shall be made for like terms of office.

Expiration of terms of present appointees, and terms of their successors.

SEC. 16. That the act entitled "an act for the regulation of the public works of the state of Ohio," passed April 12, 1858, be and the same is hereby repealed.

Act repealed.

SEC. 17. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

Concerning fugitives from justice, and to repeal an act on the same subject, passed February 28, 1834.

Duties of courts where persons charged with commission of crime against other states, are brought before them.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any person shall be brought before any judge of a court of common pleas, or any judge of a probate or police court within the state, charged with the commission of any criminal offense against the laws of any other state, or of any of the territories of the United States, and which, if the act had been committed in this state, would by the laws thereof have been a crime, it shall be lawful, and it is hereby made the duty of such judge to hear and examine such charge, and upon proof by him adjudged sufficient, to commit such person to the jail of the county in which such examination shall take place, or to cause such person to be delivered to some suitable person, to be removed to the proper place of jurisdiction.

Same.

SEC. 2. That whenever any person is committed to jail by any judge by virtue of this act, it shall be the duty of such judge forthwith to give notice by letter to be directed to the sheriff of the county in which such offense shall have been committed, or to the party injured by such crime; which letter may be sent by mail. And no person so committed shall be delayed longer in jail than is necessary to allow a reasonable time to the person or persons so notified, after they shall have received such notice, to apply for the person so committed.

Act repealed.

SEC. 3. That an act entitled "an act concerning fugitives from justice," passed February 28, 1834, be and the same is hereby repealed.

SEC. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 24, 1860.

AN ACT

Making appropriations for the national road for the years 1860 and 1861.

Revenue of national road appropriated for repairs thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of keeping in repair the national road for the two years ending November 15, 1860 and 1861, there is hereby appropriated whatever sums are paid into the state treasury on account of tolls received, or other sources of revenue from the same, or so much thereof as is

considered necessary by the board of public works for such repairs.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To provide for the more prompt and efficient collection of claims due the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of each and every officer or agent of the state of Ohio, who has or shall hereafter by reason of his said office or agency come in possession of any claim payable or due to the state, to demand immediate payment thereof, and when payment shall be so made forthwith, to cause the amount to be certified into the state treasury in due form of law.

Duty of officers holding claims due the state.

SEC. 2. Whenever after such demand, payment shall be delayed for the space of sixty days, it shall be the duty of the officer or agent holding such claim to report the same to the comptroller of the treasury, specifying the transaction out of which the claim has arisen, the amount due, together with the date of its maturity, and the time at which payment has been demanded.

Same.

SEC. 3. The comptroller of the treasury shall keep an accurate account of all such claims so reported to him, and shall give immediate notice by mail or otherwise to the party indebted, of the nature and amount of such indebtedness, and if payment thereof be not made in reasonable time, not exceeding sixty days after such notification, the comptroller shall file such claim with the attorney general, who shall, without further delay, institute proceedings for the collection of such claims, and prosecute the same to final judgment and execution; and all claims shall bear interest at the rate of six per cent. per annum from the date at which they respectively fell due, until payment be made; provided, that whenever an offset or abatement shall be set up by the party against whom the claim exists, the attorney general, auditor of state and comptroller of the treasury may adjust the same without the issuing of legal process, in such manner as they may deem equitable and right.

Duty of comptroller, where such claims are reported to him.

Of attorney general.

Proviso.

SEC. 4. Whenever the attorney general shall have received payments of any claim so lodged with him, or any portion thereof, he shall report the fact to the comptroller of the treasury, who shall forthwith certify the amount so col-

Proceedings where payment of claim is made.

lected to the appropriate fund in the state treasury, and the state treasurer shall thereupon execute and deliver his receipt in triplicate for the amount as in other cases.

SEC. 5. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

Fixing the salary of the state librarian.

Salary of state
librarian.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the state librarian shall receive for his services an annual salary of nine hundred dollars, payable in equal quarterly installments out of the state treasury, upon the warrant of the auditor, on the second Monday of May, second Monday of August, second Monday of November, and the second Monday of February.

Not hereafter
to discharge
duties of secre-
tary of school
commissioner.

SEC. 2. That the state librarian shall not hereafter be required to discharge the duties of secretary to the commissioner of common schools, nor shall he receive any compensation therefor.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act passed February 8, 1847, entitled "an act to amend an act entitled an act to amend the act to provide for the vacating of town plats, and other purposes, passed February 19, 1840," be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To prevent and punish child stealing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That every person who shall maliciously or forcibly or fraudulently lead, take or carry away, or decoy or entice away, any child under the age of ten years, with intent unlawfully to detain or conceal such child from its parent or parents, or guardian, or other person having the lawful charge of such child, shall upon conviction thereof be imprisoned in the penitentiary and kept at hard labor, not more than seven years nor less than one year. Definition and penalty, for principal.

SEC. 2. Every person who shall aid, abet or procure the commission of the offense defined in the preceding section of this act, or shall knowingly harbor or conceal with intent to detain from its parent or parents or guardian, any child under the age of ten years, so led, taken, carried, decoyed or enticed away, as in the preceding section specified, shall upon conviction thereof be imprisoned in the penitentiary and kept at hard labor, not more than seven years nor less than one year. Agent or abettor.

SEC. 3. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To regulate the sale of real estate by religious societies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any religious society shall desire to sell any real estate that may have been conveyed to such society, and is held in trust for a specified religious purpose, it shall be lawful for the trustees, wardens and When court may authorize sale.

vestry, or other officers entrusted with the management of the affairs of such society, to file in the court of common pleas of the county where such real estate may be situate, a petition stating that such society desires to make such sale for the purpose of investing the proceeds in other real estate to be held and used for a like purpose ; and if upon the hearing of such case it shall appear that such sale and re-investment are desired by the members of such society, and that there is a necessity for the same, the court may authorize the trustees, or other officers holding the title in trust, to sell said real estate in such manner and upon such terms as the court shall deem reasonable.

Proceedings
under order of
court.

SEC. 2. The trustees, or other officers authorized to make such sale, shall make return thereof to the court ordering the same at such time as the court shall order ; and thereupon, if the court shall be satisfied that the same has been made in all respects according to its order, and that the proceeds have been invested in other real estate for the use of such society, in trust for the same objects and purposes as provided in the deed by which the real estate ordered to be sold was conveyed to such society, or that a contract has been made securing such investment, the said sale shall be confirmed, and a deed authorized to be made to the purchaser.

Publication of
notice.

SEC. 3. The petitioners shall cause notice of the pendency and prayer of the petition to be published for four consecutive weeks, in some newspaper of general circulation in the county where the real estate proposed to be sold is situate before the term of the court at which the order of sale will be asked.

SEC. 4. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To prevent and punish malicious injuries to church edifices, school houses, dwelling houses, and other buildings.

Definition and
penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall wilfully and maliciously injure any church edifice, school house, dwelling house, or other building, not being his own property, or in any way disfigure the same with paint or otherwise, or deface the same by painting thereon any obscene words, figures

or devices, or by posting thereon any paper or other material bearing such words, figures or devices, he shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or both said punishments, in the discretion of the court.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To amend an act entitled "an act for opening and regulating roads and highways," passed January 27, 1853.

Swan's Rev.
 Stat. 809.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when the route of a proposed township road is along a dividing line between two townships, or crosses such dividing line, the person or persons intending to apply for said road shall notify the trustees of both townships of his or their intention; and on receiving such notice, the trustees of the two townships in which the proposed road lies or runs, shall appoint some time and place at which they will meet in joint board; and the time fixed for said meeting shall be so arranged that the applicant or applicants will have ample time to give the requisite thirty days notice, as required in the act to which this is an amendment; which notice shall be given in both townships, and shall state the time and place of meeting of the joint board of trustees, as provided in this act.

Application
 for township
 road, where
 proposed road
 will lie upon
 or cross town-
 ship line.

Sec. 2. That the joint board of trustees, when so met, shall be governed by the provisions of the act to which this is an amendment; and if they shall grant a view and survey, they shall appoint a time and place when and where they shall meet to receive the report of the viewers and surveyors; and the proceedings at such meetings shall be recorded in both townships; and in case of an appeal, the appellant shall be governed in all respects by the provisions of the act to which this is an amendment, except that he shall be required to enter into bond in both townships in which a part of the road is located.

Duties of joint
 board of
 trustees.

Sec. 3. This act to take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To provide for the better protection of health and property in certain cases.

Construction
of levees or
embankments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of any township through which any stream or river subject to overflow passes, on application of any party, shall have power to enter upon any land in their township to view any proposed levee or embankment, for the purpose of protecting any land held by more than one person, and to cause said levee or embankment to be located and constructed whenever, in their opinion, the same is demanded by or will be conducive to the public health, convenience or welfare.

Township
trustees to
have power to
condemn pri-
vate property
for purposes
of this act.

SEC. 2. For the purposes mentioned in the first section of this act, the township trustees shall have power to appropriate private property, according to the provisions of an act passed April 30th, 1852, entitled an "act to provide for compensation to owners of private property, appropriated to the use of corporations;" provided, that before any proceedings shall be taken by the township trustees under this act, the expenses and cost of locating, constructing, and all other costs and expenses necessary or incident to the location or construction of the proposed levee, shall be guaranteed or paid to the township trustees by the parties, or some of them, interested in the construction of such levee.

SEC. 3. That this act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

To provide for the execution and supervision of the state printing and binding.

Commission-
ers of print-
ing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state, the comptroller of the treasury, and the auditor of state, shall be ex-officio commissioners of the public printing during their terms of office respectively.

Division of
the printing
into five
classes.

SEC. 2. The printing for the state shall be divided into five classes, to be let in separate contracts, as follows: The printing of all bills for the two houses of the general assembly, together with such resolutions and other matters as may be ordered by the two houses, or either of them, to be printed in bill form, shall constitute the first class, and shall be let

in one contract; the printing of the journals of the senate and house of representatives, and of such reports, communications, and other documents as enter into and make a part of the journals, shall constitute the second class, and shall be let in one contract; the printing of all reports and all communications and other documents ordered by the general assembly, or either branch thereof, or by the executive departments, to be printed in pamphlet form, together with the volumes of public documents, shall constitute the third class, and shall be let in one contract; the printing of the general and local laws, and joint resolutions, shall constitute the fourth class, and shall be let in one contract; the printing of all blanks, circulars, and other work necessary for the use of the executive departments, other than such as shall be printed in pamphlet form, shall constitute the fifth class, and shall be let in one contract.

SEC. 3. The commissioners of printing shall, between the first day of June and the first day of August next after the passage of this act, and biennially thereafter, within the same period, give notice, for the period of at least thirty days, in at least two newspapers printed in the city of Columbus, and two in each of the cities of Cleveland and Cincinnati, that sealed proposals will be received at the office of the secretary of state for the executing of the several classes of the public printing, in separate contracts, for the term of two years, from and after the first Monday of November next ensuing. Said proposals shall distinctly and specifically state the price per thousand ems for the composition of all matter embraced in the five classes of printing, or such of them as shall be covered by the bid; the price per token for all press work embraced in the first, second, third and fourth classes, and the price per quire for the press work contained in the fifth class, at which the bidder will undertake to do the work embraced in the class or classes of the printing covered by his proposals. Each proposal shall be accompanied by a bond, executed in due form by the bidder, with at least two good and sufficient sureties, satisfactory to the commissioners of printing, in the penal sum of ten thousand dollars, conditioned for the faithful performance, pursuant to this act, of such class or classes of the state printing as may be adjudged to him; and for the payment as liquidated damages by such bidder to the state of any excess of cost over the bid or bids of such bidder which the state may be obliged to pay for such work by reason of the failure of such bidder to complete his contract; said bond to be null and void if no contract shall be awarded to him. No bid, unaccompanied by such bond, shall be entertained by the commissioners of printing.

SEC. 4. The commissioners of printing, or any two of them, shall, within two days after the expiration of the term for receiving proposals as aforesaid, proceed to open all such proposals by them received; and they shall, on careful ex-

Bids—publication of notice, mode of making proposals, bonds, &c.

Award of contracts—mode of determining.

amination and computation, award the contract for each class of printing to the lowest bidder therefor; provided, that nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing, if he shall be the lowest bidder therefor. If two or more persons shall bid the same and the lowest price for any class or classes of the printing, the commissioners shall award the contracts to such one or more of them, as, in their opinion, will best subserve the interests of the state, having reference, however, to a division of the work, as far as practicable, among the several lowest bidders as aforesaid. If two or more bidders shall propose for the same contract, and the proposal of one shall be lower on composition, and that of another lower on press work, then the commissioners, with the aid of the supervisor of printing, to be designated by them, shall make a strict computation, based on the work of the same class of printing of the preceding year, and assign the contract or contracts to the lowest aggregate bidder, as shall appear by said computation. All printing under this act must be executed within the state, and all appertaining to the first, third and fifth classes must be executed at the city of Columbus. If any printing appertaining to the second and fourth classes shall be executed without the city of Columbus, all transportation of paper, copy, proof, or printed sheets, shall be at the expense of the contractor or contractors for such printing.

Where printing to be executed, &c.

Specifications
—First class.

SEC. 5. The bills, resolutions, and other matters specified in the first class of printing, shall be printed in folio foolscap form, with small pica type, each page to contain not less than thirty lines of solid matter of the usual length, with a great primer reglet only in each space between the lines; and in counting the composition upon the bills, resolutions and other matters contained in the first class, the same shall be measured as solid small pica matter; every necessary fraction of a page shall be counted as a full page, but no entire blank page shall be counted or charged for.

Second class.

SEC. 6. The journals of the two houses of the general assembly, specified in the second class, shall be printed in super-royal octavo form, on neat, long primer type, with at least two thousand ems in a page, without any unnecessary leads, blank or broken lines or pages.

Third class.

SEC. 7. The volumes of public documents and reports, communications and other matters specified in the third contract, shall be printed on the same kind of type, and the pages shall be of the same size as required for the journals in the preceding section; provided, that so much of the annual reports of the officers of the executive departments, and of the superintendents of the public institutions as contains the remarks of those officers, may be single leaded with leads not exceeding in thickness six to pica. The volumes of public documents shall contain nothing that is to be

inserted in the laws and journals of the same year ; and the various reports, communications and other documents inserted therein, shall follow each other in as close, compact order as is consistent with good workmanship, without the intervention of unnecessary blanks or separate title or half title pages ; and the paging thereof shall be consecutive ; and at the conclusion there shall be an index, referring to the particular page at which each separate document commences. In all cases where any document is printed in pamphlet form by order of the general assembly, or either branch thereof, by the contractor for the printing of the volumes of public documents, which shall also be inserted in the volume of public documents, and in all cases where any such document is printed in pamphlet form by the contractor for the printing of the journals, which shall also be printed in the journals, but one charge shall be made or allowed for the composition thereof.

SEC. 8 The laws specified in the fourth class shall be printed in super royal octavo form, on good long primer type, the pages to be of the same size and form as those of the journals and documents specified in the two preceding sections, with marginal notes to the general laws in brevier type, similar to those heretofore inserted. Fourth class.

SEC. 9. The printing for the executive departments, embraced in the fifth class, shall be executed in a style consistent with good workmanship, and with due reference to economy. In estimating the composition, all work in script type, or of which script is the chief kind used, shall be estimated as pica, and measured by the surface actually covered—not by the size of the sheet used. All open work, such as letter heads, blank deeds and the like, shall be estimated in the same manner ; provided, no job shall be counted as less than one thousand ems. All work in other than script type, shall be estimated according to the type actually used ; provided, that when different kinds are used in a single job, it may be measured and estimated proportionately for the different kinds used. In estimating press work, in the fifth class, a quire shall be considered twenty-four impressions of a side, or a page, as the case may be, of twenty-four full sheets of such paper as the proper officer may furnish, with such matter as the printer shall be directed to put upon it ; provided, that no job of press-work shall be estimated at less than one quire. Fifth class.

SEC. 10. In estimating the composition of all pamphlets, laws, journals, and volumes of public documents, every necessary fraction of a page shall be counted as a full page, but no entire blank page shall be counted or charged for ; and if in any branch of the printing, tabular statements occur, which it shall be impracticable to print on the ordinary sized pages, the same shall be printed on tabular sheets of the necessary size, and the amount of composition on the General provisions as to estimates of work done, &c.

same shall be ascertained by measuring the printed surface, and thereby ascertaining the number of ems. All figure work requiring additional justification in each line, and all rule work requiring the fitting in of rules, shall be allowed one price and a half; and for all rule and figure work, double price for composition shall be allowed, the same to be ascertained by strict measurement and count. But one charge shall be made for the composition of all documents ordered to be printed by both branches of the general assembly, and no charge or allowance shall be made for composition when extra or additional copies are ordered to be printed. In estimating the press work of pamphlets, laws, journals and volumes of public documents, the token shall consist of two hundred and fifty impressions of a form of sixteen pages, or one hundred and twenty-five sheets of double super-royal paper printed on both sides, or two hundred and fifty sheets of the same printed on one side only; provided, that if any document shall make less than sixteen pages, or if the last form of any document shall not be a full form of sixteen pages, the same shall be counted as a full form.

Notification of successful bidder and duty of commissioners of printing where contractor fails to execute his contract.

SEC. 11. It shall be the duty of the secretary of state to give prompt notice to each successful bidder that his proposals have been accepted. If, from death or any unforeseen cause, there shall be a failure on the part of any successful bidder to execute his contract, the commissioners of printing, or a majority of them, may enter into a contract with the next lowest bidder, or with some other person, to execute the work, having reference to the lowest prices at which the same can be done with promptness and accuracy. If any contractor, after commencing upon his contract, shall fail to execute the work embraced therein, with reasonable expedition and in a suitable manner, the commissioners of printing may notify him that, for reasons which they shall specify, his contract is canceled, and they may then contract with some other person to do the work, at the lowest practicable rates.

Printing in German.

SEC. 12. The commissioners of printing shall, at the same time and in the same manner as is prescribed in the third section of this act, give notice that sealed proposals will be received at the office of the secretary of state for the printing in the German language of all documents ordered to be printed in said language by the general assembly, or by either branch thereof, which proposals shall distinctly state the price per thousand ems for composition, the price per token for press work, and the price per thousand words for the translation, at which the bidder is willing to perform said work; and the commissioners of printing and the contractor for the German printing, shall be governed by the same rules regarding the notices, the bonds, the contract, the execution of the work, and the expense of transporting

copy, paper, proof and printed sheets, as specified in this act relative to the printing in the English language.

SEC. 13. The commissioners of printing shall, at the same time and in the same manner as is prescribed in the third section of this act, give notice that sealed proposals will be received for the folding and stitching of all bills; resolutions, pamphlets or documents ordered to be printed, and the brochure covering of all documents ordered to be covered, and for the folding, stitching and binding of the laws, journals and volumes of public documents—which proposals shall specify the rate per hundred sheets for folding, the rate per hundred copies for stitching all bills, resolutions, pamphlets and documents, the rate per hundred copies for brochure covering all documents ordered to be covered, and the rate per hundred sheets for folding, the rate per hundred copies for stitching, and the rate per hundred copies for binding the laws, journals and volumes of public documents at which the bidder is willing to do the same. The folding of all bills, resolutions, pamphlets or documents ordered to be printed, together with the stitching of the same, and the brochure covering of all documents ordered to be covered by the general assembly, or either branch thereof, shall be let in one contract; and the folding, stitching and binding of the laws, journals and the public documents shall be let in another contract. Each bid under this section shall be accompanied with a bond with two or more sureties, satisfactory to the commissioners of printing, in the penal sum of five thousand dollars, conditioned for the faithful performance of the work specified in the proposals accompanying it; and the commissioners of printing and the contractor or contractors for the work specified in this section, shall be governed by the same rules, so far as applicable, regarding the execution of the work, and the transportation of sheets and bound copies of documents, as specified in this act relative to contractors for the printing.

Binding—
General speci-
fications.

SEC. 14. The journals, executive documents and laws required by this act to be printed and put up in book form, shall be bound in half law binding, and each journal and its appropriate appendix shall be bound in the same volume, unless in the opinion of the commissioners of printing the same shall make a volume too large for convenience, in which case each journal shall be bound separately, and the appendixes shall be bound separately or together, as the said commissioners may direct.

Same.

SEC. 15. In counting, folding, stitching and binding shall include the collating, drying and pressing, and no charge shall be made for collating, drying and pressing.

Same.

SEC. 16. The contractor for the printing of bills, resolutions and other matter to be printed in bill form, shall, promptly and without delay, execute all orders of the general assembly, or either branch thereof, for the printing of all

Time in which
work to be
executed.

bills, resolutions and other matter ; and all contractors under the provisions of this act, shall, promptly and without unnecessary delay, execute all orders to them issued by the general assembly, or either branch thereof, or the executive officers of the state ; and the laws and volumes of public documents shall be delivered to the contractor for the folding, stitching and binding, on the order of the secretary of state, within thirty days after the adjournment of the general assembly ; and the journals of the two houses shall likewise be delivered within ninety days after the adjournment of the general assembly ; and the contractor for folding, stitching and binding, shall, within thirty days after the receipt thereof, execute the folding, stitching and binding, and deliver to the secretary of state the volumes bound, under the penalty of the forfeiture of his bond ; provided, however, that the commissioners of printing may, on good cause shown by any such contractor, extend the time, not exceeding twenty days, for the executing of his contract.

Supervisor of
printing—
appointment
and duties.

SEC. 17. The commissioners of printing shall designate some competent and suitable person as a supervisor of the public printing, who shall be a practical printer, and whose duty it shall be to examine the proof sheets of all work executed under the provisions of this act, and see that they are correctly printed, and that all such work is executed in a suitable manner, and in accordance with the requirements of this act. Said supervisor shall keep an accurate account of all papers delivered to the public printer or printers, and see that it is used properly and without unnecessary waste. All work to be executed for the executive departments, shall be ordered through the supervisor of printing, and it shall be his duty to see that the full number of copies of each job ordered, is received from the printer, and delivered to the proper department. He shall audit all accounts for printing and binding executed under the provisions of this act ; and he shall keep a record of the cost of printing and binding, the amount of paper used, and the entire expense of each document or item ; and a copy of each document shall be duly filed and preserved by him, with the cost indorsed upon it. Said supervisor of public printing shall receive a salary of five hundred dollars, to be paid out of the appropriation for the public printing and binding ; and he shall not in any manner or form take or obtain any interest in the contracts provided for in this act, under the penalty of immediate dismissal from his office.

Contractor for
printing to
file copy of all
work printed,
and his ac-
counts there-
for, with su-
pervisor of
printing.

SEC. 18. Each contractor for any class of the public printing, shall file and preserve one copy of each document or other matter by him printed for the state, which he shall deliver to the supervisor of printing, with his account for the same ; in which account shall be specifically stated the various jobs performed, the number of copies of each job, the number of ems composition in each, the extra charge, if

any, for rule, or figure, or rule and figure work, the number of tokens or quires of press work in each, designating whether ordered by the senate, the house, or jointly by both, or by other officers or agents of the state, together with the kind and quantity of paper used for each job.

SEC. 19. Each contractor for the folding, stitching, covering and binding, shall file and preserve one copy of every document or other matter by him folded, stitched or bound, which he shall deliver, together with his account for the same, to the supervisor of printing, which account shall specifically state each item, as provided for in the thirteenth section of this act, and the number of copies of each bill, pamphlet, resolution or document, folded, stitched or covered, and the number of copies of laws, journals and documents bound.

Same, contractor for binding.

SEC. 20. All accounts filed under the two preceding sections, shall be carefully examined by the supervisor of printing, and compared with the vouchers therefor, and the orders for the same. If any errors be found in such account by said supervisor, he shall immediately correct the same, and return it to the contractor who rendered it; and when the account is finally corrected and adjusted, he shall certify the same to the commissioners of printing; on the indorsement of the same by said commissioners, or any two of them, the auditor of state shall draw a bill upon the treasury for the amount thereof, payable out of any moneys appropriated for that purpose.

Duties of supervisor under two preceding sections.

Accounts to be indorsed by commissioners.

SEC. 21. Each contractor for any branch of the state printing shall deliver over to the supervisor of printing, or on his order to the proper bidder, in good order, all copies of work ordered to be printed by the executive departments. The bidder shall deliver all copies of documents bound by him under the provisions of this act, to the proper department, or to the supervisor of printing, as specified in this act.

Delivery of work.

SEC. 22. The paper for the state printing aforesaid shall be provided by the state; and the secretary of state shall, from time to time, as the same may be needed, deliver over to each contractor suitable paper for the printing which he is required by his contract to do; he shall take and preserve, from each contractor, a receipt for all paper so delivered; and at the annual settlement, on or before the first Monday of November, each contractor shall deliver to the secretary of state all paper which has not been used in the state printing; and if any such paper shall have been wasted or converted to any other use, the contractor to whom the same shall have been delivered shall be charged with the value thereof, together with a penalty of fifty per cent., and the amount shall be deducted from his account.

Paper.

SEC. 23. The secretary of state shall furnish a true and accurate copy of the laws, as they may be demanded by the

Copy.

printer thereof; and the clerks of the respective branches of the general assembly shall each furnish to the printer who is bound by his contract to print the same, copies of the journals, bills, reports, and other papers and documents, without unnecessary delay; and no contractor shall be accountable for any delay occasioned by the want of such copy.

Index to journals.

SEC. 24. In printing the journals of the senate and house of representatives, as specified in the sixth section of this act, it shall be the duty of the clerk of the senate and the clerk of the house of representatives of the respective sessions of the general assembly to make out indexes to the printed and recorded journals of said senate and house of representatives, and to attend to reading proof sheets of the same whenever required by the commissioners on printing; and for their services in attending to said business, they shall each be entitled to receive, upon the certificate of said commissioners on printing, certifying to the number of days actually engaged therein, four dollars a day, to be paid out of any money appropriated to defray the expenses of the general assembly, on the order of the auditor of state.

Acts repealed.

SEC. 25. The act entitled "an act to provide for the state printing," passed April 16, 1852, (Swan, p. 736;) the act of May 1, 1852, entitled "an act to amend the act entitled an act to provide for the state printing, passed April 16, 1852," (Swan, p. 741;) the act of February 24, 1853, entitled "an act supplementary to an act entitled an act to provide for the state printing," passed April 16, 1852," (Swan, p. 741;) and the act of April 12, 1858, entitled "an act to amend the third and fifth sections of the act entitled an act to provide for the state printing, passed April 15, 1852," (O. L., 1858, p. 159,) are hereby repealed: provided, however, that the repeal thereof shall not impair, in any respect, the validity of any contract heretofore entered into.

Proviso.

SEC. 26. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.

ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

Providing for the appointment and more thorough system of accountability of officers of the Ohio penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working the convicts.

Directors—appointment, term of office, compensation, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed by the governor, by and with the advice and consent of the senate, three directors of the Ohio penitentiary,—one of whom shall hold his

office for the term of one year, one for the term of two years, and one for the term of three years; and each of their successors shall hold his office for the term of three years. No person shall be appointed a director who is a contractor in the penitentiary, or the agent or employee of any such contractor, or who is interested, either directly or indirectly, in any kind or branch of business in the institution; and should any director become so interested at any time during his term of office, it shall be cause for his removal; and upon satisfactory information given of such fact, the governor is hereby authorized and required to remove such director, which removal, with the reasons therefor, shall be entered on the journals of the penitentiary, and the governor shall report the same to the general assembly at the next session. Each of said directors, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and to faithfully and diligently discharge the duties of such director. In case of a vacancy by death, resignation, or otherwise, it shall be filled by appointment by the governor, until the next session of the general assembly. The said directors shall each receive three dollars per diem for the time actually employed in the discharge of their duties, and actual traveling expenses, to be paid out of the state treasury on the certificate of the warden as to the time of their services.

SEC. 2. The board shall make annual appointments of one of their number president of the board. It shall be the duty of at least two of the directors to visit the institution together every two weeks, examine the work shops, cells, rooms, and the books and vouchers of the warden, and enter the result of their investigation in a book called a journal, to be provided for the purpose. It shall be the duty of all the directors to meet at the office of the penitentiary every three months, to make a quarterly settlement of the accounts of the warden, and inspect the various departments and shops of the institution, and record the result of their investigation in the journal, signed by each member present, if all shall be agreed; if otherwise, the opinions of the dissenting members shall also go on record. Their duties.

SEC. 3. The said directors, or a majority of them, shall appoint a warden, who shall hold his office for the term of two years, unless sooner removed by the directors: but, in case of removal, the reasons therefor shall be entered on the journal of the institution. The warden shall take an oath or affirmation faithfully to discharge the duties of his office, and give bond to the state of Ohio in the sum of ten thousand dollars, with at least two good and sufficient freehold securities, to be approved by the directors, attorney general and auditor of state, conditioned for the faithful performance of the several duties which are hereby or which may from time to time be required of him by law, which Warden.

Deputy warden, clerk and assistant keepers.

said bond shall be deposited with the treasurer of state. The warden, by and with the advice and consent of the directors, shall have power to appoint a deputy warden, clerk, and such number of assistant keepers as the directors may deem necessary; all of whom shall take an oath or affirmation faithfully to discharge their duties, and give bonds to the state of Ohio, the clerk and deputy warden in the sum of three thousand dollars each, and the assistant keepers in the sum of five hundred dollars each, with security, to be approved by the directors, which bonds shall be deposited with the treasurer of state. All the above officers shall be subject to such by-laws and rules as may be prescribed by the directors and warden for the government of the prison. The directors shall appoint a physician, who shall attend to all the cases of sickness among convicts, reside near the penitentiary, visit the prison at least once each day, and have a general sanitary oversight of the prison; and shall communicate to the directors, at each general meeting, on the general character of the health of the prisoners during the preceding three months, with such suggestions in regard thereto as he may deem necessary, which communications shall be entered on the journal. The physician shall receive for his services a sum not exceeding eight hundred dollars per annum.

Physician.

Compensation of the different officers of the penitentiary.

SEC. 4. The warden shall receive an annual compensation for his services not exceeding twelve hundred dollars. The clerk shall receive an annual compensation for his services not exceeding one thousand dollars. The deputy warden shall receive an annual compensation for his services not exceeding eight hundred dollars; and each assistant keeper shall receive a compensation not exceeding forty dollars per month, except the night watch, who may receive forty-five dollars per month, to be determined by the directors. No person so employed shall be entitled to or receive any perquisites, in the shape of board, provisions, carriages, horses, or otherwise, either for themselves or families; or shall be permitted to receive any compensation or reward of any description from contractors. And if any person so employed shall receive any compensation or reward of any description from any contractor to promote the interests or advantage of such contractor, or shall make use of any property of any description belonging to the penitentiary, for his own private purpose, unless the same shall have first been paid for or charged on the regular books in the office of the institution at a price agreed on with the warden and directors, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office. And if any officer procure the escape of any convict, or connive at, or aid, or assist in the escape of any convict from the penitentiary, whether such convict

No perquisites allowed.

Penalties for aiding in escape, &c.

escape or not, he shall, on conviction thereof, be sentenced to hard labor in the penitentiary for any term not less than one nor more than three years, and if any other person shall aid or assist in the escape of any convict from the penitentiary, such person shall, on conviction thereof, be sentenced to hard labor in the penitentiary for any term not less than six months, nor more than one year.

SEC. 5. It shall be the duty of the directors to appoint a chaplain of the Ohio penitentiary who shall hold his office for one year, and who shall receive an annual compensation not exceeding eight hundred dollars, to be paid quarterly on the certificate of the directors. The chaplain shall be a minister of the gospel, in good standing in some one of the denominations of this state, who shall be competent to teach the ordinary branches of an English education; and who shall reside in or near the penitentiary, and devote his whole time and ability to the welfare of the convicts confined therein; and shall, in addition to his clerical services, teach such of the convicts as he and the warden may select the art of reading, writing, arithmetic and geography, at such hours as may be found most conducive to the interests of the institution. Minor convicts shall be instructed separate and apart from convicts who are not minors. The directors shall not appoint one of their number either warden, chaplain or physician, nor shall either of the officers here mentioned hold any other office or place in the institution. Chaplain.

SEC. 6. That each convict possessing a fair knowledge of reading, writing and arithmetic, shall be kept at work every day in the year, Sundays excepted, not exceeding ten hours per day. Time of daily labor by convicts.

SEC. 7. The warden is hereby authorized, so far as practicable with existing contracts (and all contracts hereafter made for convict labor may so provide), to classify the convicts according to their age and disposition—placing all young men under twenty-one years of age (unless the conduct of the same shall forbid it), in a shop or shops by themselves, and give them such work as will be most beneficial to them when discharged; and persons convicted of the higher crimes, or who shall be convicted a second time of penitentiary offenses, or whose conduct may require it, shall be worked in a shop by themselves, and all incorrigibles may be worked in cells or shops by themselves, at such employment as the warden and directors, or a majority of them, may deem most fitting for them or profitable to the state. Classification of convicts.

SEC. 8. The warden shall attend to the purchasing of all articles for the institution—clothing, provision, medicines, material for building or repairs, or any raw material to be manufactured in the penitentiary; shall have in charge the whole operation of the institution, and shall be its executive officer; and in case any guard or subordinate officer of the institution should violate any of the laws or rules of the Warden to have general charge, &c.

prison, it shall be the duty of the warden to suspend said offending guard or officer until the meeting of the directors, who shall examine into the charge, and discharge or retain said guard or officer, as justice may require.

Contractors—
monthly state-
ment of war-
den, &c.

SEC. 9. The warden of the penitentiary shall, within five days after the close of each month, make out, certify and file with the auditor of state and comptroller of the treasury a duplicate statement, in which shall be accurately set forth the names of the several contractors for convict labor, the amount due from each at the close of the month to which the statement refers, and the particular class of labor on which said contract was based; and upon receiving such certified statement, the comptroller shall require immediate payment from the respective parties from whom such sums are due, and when paid certify the same into the state treasury as in other cases; and if payment be not made within fourteen days after demand (of claims due), such claims shall bear interest at the rate of six per cent. from the close of the month in which the labor was performed; and on payment, the state treasurer shall execute and deliver his receipt in triplicate—one to the person making the payment, one to the auditor of state, and one to the comptroller of the treasury; provided, a uniform credit of three months for the hire of said convicts may be allowed by the warden and directors to the several contractors; provided further, that on the first day of November, in each year, payment in full for the previous year shall be promptly made.

What moneys
shall be paid
over to war-
den, and dis-
position there-
of by him.

SEC. 10. All moneys due the institution, arising from sources other than those specified in the next preceding section, shall be paid to the warden, who shall pay over the same to the treasurer of state at the close of each month; and such moneys shall be certified into the treasury in the same manner that other moneys are certified into the treasury; and for all moneys so paid over by the warden, triplicate receipts shall be given, one of which shall be forthwith deposited with the auditor of state, one with the comptroller, and the other retained by the warden. A full and detailed statement of all such moneys received and paid over to the treasurer of state shall be made out by the warden at the close of each quarter of the year; such statement shall set forth the several amounts received, from whom, at what time, and on what accounts received, and shall be immediately deposited with the auditor of state.

His quarterly
statement.

Claims
against peni-
tentiary.

SEC. 11. All accounts for claims against the penitentiary, whether for salaries, provisions, clothing, medicines, repairs, building or other object, shall be made in duplicate—one to the auditor of state and one to the comptroller of the treasury; be certified by the warden, countersigned by the clerk, and indorsed "approved" by at least two directors.

Contracts for
provisions—
bids, notice of
proposals, &c.

SEC. 12. All contracts for provisions, clothing, medicines, forage, fuel, buildings or repairs, where the amount shall exceed the sum of one hundred dollars, shall be given to the

lowest bidder; provided, in case of the acceptance of any bid, and the bidder fails to complete the contract, the next lowest bidder shall not be entitled to the contract, unless the price be deemed reasonable by the warden and directors; but the warden and directors may then contract with any one whose offer may be regarded just and proper. No bids herein authorized shall be received, or contract made in pursuance thereof, unless the same be reasonable, and not greater than the usual market value and price. So far as possible, the letting of contracts shall be as herein provided for, but no other contracts shall be let to run more than six months, nor shall any contract be valid until approved by the auditor and attorney general. Notice of the time and place of letting each contract shall be given for at least two consecutive weeks in two daily newspapers in Columbus, and in one of the weekly papers published in each of the counties adjoining Franklin county, and in such other papers as the warden and directors may deem expedient; and where any two bids shall be equal, the warden and directors may select any one of them as the person who shall have the contract; and such contractor shall give bond and security, to the satisfaction of the directors, for the faithful performance of his contract; provided, no contract shall be given or purchase made wherein either of the directors or any of the officers of the penitentiary is interested; and all contracts or purchases made in violation of this provision shall be void.

Sec. 13. Convicts may be hired in any number not exceeding fifty in one contract, and for any time not exceeding five years. All contracts for working convicts shall be given to the highest bidder, of the letting of which the directors shall give at least six weeks notice, in two daily or weekly papers in the city of Columbus, two in the city of Cincinnati, and one in the city of Cleveland, and all contractors shall be required by the directors to give security to the state of Ohio for the faithful performance of their contracts, in such amounts as the directors, in their judgment, may think proper and right. All convicts not contracted for, according to the provisions of this act, shall be hired or otherwise employed by the directors and warden in such manner as they may deem most conducive to the interests of the state.

Contracts for
convict labor.

Sec. 14. It shall be the duty of the warden and directors to make such arrangements with the contractors who now have contracts for convict labor, and so to make all future contracts as will permit the convicts to have a certain amount of labor allotted them each day for a day's work, and the time so gained, after the performance of the task, may be occupied in attending the prison school or in labor for the contractor at the same rate the contractor pays the state for the same work; and if any convict, who shall have so made overwork, shall for any cause be unable to make full work on any other day or days, no deduction shall be made from

Tasks to be
assigned con-
victs.

Over-work.

his overwork earnings on that account. The money so earned shall be collected by the warden for the convict the same as money due the institution from the contractors (with the exception of the allowance of any credit), and the warden shall permit the convict to send the amounts so earned to his family or friends; and in case the warden is dismissed, or dies, or resigns before the expiration of the sentence of the convict who may have funds in his hands, he shall account for the amount the same as the other funds of the institution in his possession. And an accurate and detailed account of all such moneys received, from whom, the time when, the amount received, and to whom payable, shall be kept by the said warden in a book provided for that purpose, and shall also enter and sign the same monthly in a pass-book which the prisoner may keep for that purpose.

Compensation
where task
cannot be as-
signed.

SEC. 15. It shall be the duty of the warden and directors to allow to all convicts to whom, from the nature of their employment, it is impracticable to assign a daily allowance of work, and who, in the judgment of the warden and directors, are entitled thereto by their fidelity and extra labor, such compensation as may appear to them equitable in comparison with the amount of labor required of other prisoners. If such labor is performed for a contractor or the warden, the said compensation to be required from the contractor or warden for whom it was performed, shall be collected, kept and paid into the treasury in the same manner as other over-work money. If such labor is performed for the state, it shall be paid for by the state.

Moneys due
convicts for
over-work.

SEC. 16. It shall be the duty of the warden, at the close of each month, to pay into the state treasury the aggregate amount then in his hands belonging to the several convicts for over-work. The treasurer shall receive and receipt for the money as in cases of state funds, and the warden shall dispose of the receipts as directed in the tenth section of this act. The treasurer shall open and keep an account with the fund to be denominated "the prisoner's over-work fund." Each convict, at the close of his term, may draw from the treasury his proportion of the fund, upon the certificate of the warden; and upon the written request of the convict, to be filed with the auditor of state, the warden, at any time, may draw from the treasury the amount due any convict from the fund, or any part thereof, for the proper use of the convict himself, or for the use of his family or friends.

Inspection by
directors.

SEC. 17. The directors shall, in company, every three months, inspect the warden's account, the different apartments of the prison, and the condition of the prisoners, and shall have power to regulate and fix the appointment, duties, dismissals and salary of all officers or agents of the penitentiary, not otherwise provided for by law, and annually, on or before the fifteenth day of November, submit to the governor of the state a report of the condition of the prison, together

Annual re-
port.

with suggestions as to the improvements that may to them appear necessary.

SEC. 18. It shall be the duty of the warden to provide all convicts with a clean straw bed, and sufficiency of covering at all times to protect them from the inclemency of the season, and also with garments of a coarse material suited to, and sufficient for the season; and he shall furnish them with a sufficiency of coarse but wholesome food, with such alternation of food as in the opinion of the physician of the penitentiary shall be most conducive to the health of the prisoners; and it shall be the duty of the warden, when in his opinion it shall be necessary, to employ suitable persons to instruct the prisoners in any work in which they may be employed, when the same is for state purposes; and during part of the time of his or her confinement as the court before whom such conviction may be had shall direct to be in solitary cells, such prisoner shall be confined in the solitary cells, at such intervals and in such manner as the warden and directors may deem proper; and one or more guards shall patrol said penitentiary at least twice in every hour during the night, until the hour of labor on the succeeding morning.

General rules
for govern-
ment of pris-
on.

SEC. 19. It shall not be lawful to make use of a shower bath in the punishment of a convict, but it shall be lawful to punish prisoners for the infraction of the discipline, by solitary confinement in dark cells, and by deprivation of food other than bread and water; and any officer who shall violate any of the provisions of this act, shall be discharged from his office at the discretion of the directors or warden. The by-laws regulating the discipline of the prison shall be printed in the language of the convict and posted in each cell, and otherwise published so each prisoner shall know them.

Same—pun-
ishment of re-
fractory con-
victs.

SEC. 20. It shall be the duty of the deputy warden to keep a book, in which shall be entered a record of every infraction of the published rules of discipline, with the name of the prisoner so guilty, and the punishment inflicted therefor, which record shall be submitted to the directors at their regular session; and every prisoner who may have been sentenced for a term of years, who shall, at the end of each month, have no infraction of the discipline so recorded against him, shall for the first month be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the next month no infraction of the discipline is recorded against him, he shall be entitled to two additional days diminution from his sentence; and if he shall continue to have no such record against him a third month, his time shall be shortened three additional days; and he shall be entitled to five days diminution of time from his sentence for each subsequent month he shall so continue in his good behavior; and if any prisoner shall

Discipline
book

Rewards.

so pass the whole time of his sentence, he shall be entitled to a certificate thereof from the warden, and upon presentation thereof to the governor, he shall be entitled to a restoration of all rights of citizenship which may have been forfeited by his conviction; and it shall be the duty of the warden to discharge such convict from the penitentiary when he shall have served the time of his sentence, less the number of days he may be entitled to have deducted therefrom, in the same manner as if no such deduction had been made; provided, that if such convict shall be guilty of the violation of the printed and published rules of the prison after he shall, as provided in this section, have become entitled to a diminution of his term of service to which he has been sentenced, the directors shall have the power to deprive, at their discretion, such convict of a portion or all (according to the flagrance of such violation of discipline) of the diminution of the term of sentence, to which he had previously been by this act entitled; and the warden shall make known to the convicts the provisions of this section when they are received into the prison.

Light at night.

SEC. 21. The warden shall furnish to each prisoner sufficient light to enable him to read from the time he is shut up in the evening until the ringing of the bell for going to bed, unless the warden has good cause to believe that a convict is making improper use thereof, in which case he shall not be so furnished.

General provision as to existing contracts.

SEC. 22. And provided, always, that nothing in this act shall be so construed as to interfere with existing contracts for prison labor, unless by consent of parties, in the event of which the same shall be indorsed upon the original contract and signed by the parties, which shall be binding in all respects as though no change had been made.

By-laws, rules and regulations.

SEC. 23. The directors and warden of the penitentiary shall, from time to time, establish by-laws, rules and regulations for the discipline and government thereof, and the warden, for himself and assistants, shall be held responsible for the observance and enforcement of such by-laws, rules and regulations; provided, always, that such by-laws, rules and regulations shall not be contrary to law; and the directors shall submit such by-laws, rules and regulations to the legislature at each session thereof; and provided, always, that nothing in this act shall be so construed as to prevent officers of the Ohio penitentiary from holding their respective offices until their successors in office shall be appointed and qualified.

Contracts—kind of labor.

SEC. 24. The warden and directors may enter into contracts for working the convicts upon such branches of business as, in their judgment, will best subserve the interests of the state, and tend to promote the welfare of the prisoners.

Hospital.

SEC. 25. The hospital of the penitentiary shall, under such conditions as the directors, warden and physician may

provide, be accessible to the professors and students of Starling medical college, and other physicians of Columbus, once a week, during the annual college terms, for clinical instruction; provided, that no convict shall be subjected by such professors to any involuntary examination or surgical operation.

Sec. 26. It shall be lawful for the directors and warden to suitably reward, at their discretion, any prisoner who by meritorious conduct may signally serve the interests of the institution or the state; and may permit any extra reward to be given to prisoners, not interfering with the interests of the state.

Special rewards.

Sec. 27. That in every case in which a new warden for the penitentiary shall be appointed, the warden whose term of office shall have expired, shall deliver over to his successor quiet and peaceable possession of the penitentiary buildings, with all the property of the state in his possession, together with the convicts; and it shall be the duty of such succeeding warden to give to his predecessor a receipt for the property and convicts aforesaid; the warden whose term of office shall have expired shall also make out, under oath, a full and detailed account of all the receipts and expenditures of the penitentiary since his last annual report, or that have not been reported to the auditor of state at any time during his term of office; also, a true inventory, with the contract price of all the property in his possession as such warden, belonging to the state, consisting of raw materials and manufactured articles, medicines, forage, and all kinds of provisions provided for the penitentiary, and shall deliver the same over to his successor, together with all moneys on hand, stating in full the sources of said moneys and the amount from each source; it shall be the duty of the succeeding warden to give to his predecessor in office his receipt for such property and moneys as may be scheduled and delivered over to him as aforesaid; and if any such retiring warden shall refuse or neglect to comply with any of the provisions of this section, he shall be held guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and be imprisoned in the county jail for any period not less than one month nor more than six months, or both, at the discretion of the court.

Duties of warden on expiration of his term, and duties of successor.

Sec. 28. That whenever any bond is required of a contracting party by the provisions of this act, every such contracting party shall file his said bond with the said warden and directors at the time of putting in such proposals or bids for each contract, which said bond shall be in such sum as the said warden and directors shall direct, conditioned that the party making the proposals or bids, will accept the contract if the same be awarded to said party, and for the faithful performance of the contract on the part of such contracting

Bonds of contractor—when to be filed.

party, and no bid or proposals shall be received unless such bond accompany the same.

Acts repealed.

Sec. 29. That the act entitled "an act providing for the appointment and a more thorough system of accountability of officers of the Ohio penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working the convicts," passed April 12, 1858, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed; and the terms of all persons now holding office under the provisions of the acts hereby repealed shall expire upon the appointment and qualification of the officers, whose terms of office are provided for in this act.

55 Laws 136.

Sec. 30. This act to take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 24, 1860.

AN ACT

To prevent collisions on railroads within the state of Ohio.

Railroad
crossings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the tracks of two railroads in the state of Ohio cross each other at a common grade, the crossings shall be made, kept up, and watchmen maintained at the joint expense of the companies owning said tracks; and all trains or engines passing over said tracks, shall come to a full stop not nearer than two hundred feet nor further than eight hundred feet from said crossing, and shall not cross until signaled so to do by the watchman, nor until the way is clear; and when two passenger or freight trains come up at the same time, the train on the road first built shall have precedence; provided, they are both main tracks over which all passengers and freights on said roads are transported; but if only one is such main track and the other is a side or depot track, then the train on the main track shall take precedence; but if one of said trains is a passenger and the other a freight train, then the former shall take precedence. Regular trains on time shall take precedence over trains of the same grade not on time, and engines, with cars attached, not on time, shall take precedence of engines without cars attached, if not on time. The same rule as above provided shall apply in all respects where the tracks of two railroads in any way connect.

SEC. 2. It shall be the duty of the managing agent or superintendent on every railroad in the state of Ohio, immediately after the taking effect of this act, to establish and publish to all the employees on said railroad such rules and regulations as shall, in all cases, secure strict compliance with the provisions of the foregoing section, and to republish such rules or regulations on every time-table or card issued to the employees on said road; and in case such managing agent or superintendent shall fail or neglect to establish and publish such rules and regulations, or to republish the same on each time-table or card issued to the employees on said road, for every such neglect or refusal said managing agent or superintendent shall be personally liable to a penalty of one hundred dollars, to be recovered, together with costs, in an action against him in favor of the state of Ohio, to be brought in the court of common pleas of any county where any such crossing may exist; any such agent or superintendent, and the railroad company of which he is agent or superintendent, shall also be liable in damages to any person or company who may be injured in person or property by any accident arising from a neglect to establish, publish or republish such rules and regulations as above provided, and said agent or superintendent shall also be liable to a criminal prosecution therefor.

Publication of
rules and
regulations.

Penalty.

SEC. 3. That every engineer, or person in charge of an engine, who shall fail to comply with the provisions of the first section of this act, and shall fail to bring the engine of which he is in charge, with the train, if any, thereto attached, to a full stop at least two hundred feet before arriving at any railroad crossing or connection, or shall cross the same before signaled so to do by the watchman, or before the way is clear, shall be personally liable therefor to a penalty of one hundred dollars, to be recovered by civil action, at the suit of the state of Ohio, in the court of common pleas of any county where any such crossing or connection exists, and the company in whose employ such engineer or person in charge of an engine may be, as well as the person himself, shall be liable in damages to any person or company who may be injured in person or property by the neglect or act of said engineer or person in charge of an engine as aforesaid; and such engineer or person in charge of an engine, shall also, in case any person be killed by reason of his neglect or failure to bring such engine and train of cars, if any there be attached thereto, to a full stop at least two hundred feet before reaching a crossing or connection with the track of another railroad, or by reason of his crossing the same before being signaled so to do by the watchman there stationed, or before the way is clear, be liable to indictment, conviction and punishment for manslaughter; or in case any person sustain bodily injury, not affecting life, by reason thereof, then such engineer or person in charge of an engine

Duty of en-
gineer at
crossing, and
penalties for
neglect.

attached to or connected with such tracks of any railroad in this state now in operation, or which shall hereafter be put in operation, or who shall wilfully and maliciously place any obstruction upon the rails or tracks of any such railroad, shall, on conviction thereof, be punished by imprisonment in the penitentiary not less than one nor more than twenty years ; provided, however, that if any person shall, by the commission of either of the aforesaid offenses, occasion the death of any person or persons, the person so offending shall be deemed guilty of murder in the first or second degree, or manslaughter, according to the nature of the offense, and on conviction thereof shall be punished as in other cases.

SEC. 2. Said original section one is hereby repealed ; provided, however, that all offenses against and violations of said section so repealed, which have been heretofore committed, shall be prosecuted and punished according to the provisions thereof as fully as if said section had not been repealed.

SEC. 3. This act shall be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

AN ACT

Defining the jurisdiction of the probate court of Clinton county in criminal cases, and to amend sections twelve and eighteen of an act herein named.

56 Laws 300. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of an act entitled "an act defining the jurisdiction of probate courts in criminal cases in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana, passed April 4, 1859, be and the same is hereby extended to the county of Clinton.

56 Laws 302.] SEC. 2. That section eighteen of the act mentioned in the first section of this act be so amended as to read as follows :
Probate judge to be paid salary
SEC. 18. The probate judge shall be paid for his services in criminal cases such sum as the commissioners of the county may allow, not more than one hundred dollars per annum in any county, which sum shall be payable out of the county treasury. Probate judges shall receive no further compensation whatever for services rendered by the provisions of this act.

Sec. 3. That the twelfth section of the act referred to in the first section of this act be so amended as to read as follows, to wit: Sec. 12. Any information filed in any probate court, may be amended at any time before or during the trial, upon such terms as the court may direct, and the prosecuting attorney, if he shall be satisfied that the state will fail in the prosecution, or if the prosecution shall fail to indorse the information when required so to do, may enter a nolle prosequi on the information, and in no case where the prosecuting attorney shall enter a nolle prosequi, shall any costs be paid out of the county treasury.

Information
may be
amended, &c.
When nolle
prosequi is en-
tered, county
not to pay
costs.

Sec. 4. Said original sections twelve and eighteen are hereby repealed, and this act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

AN ACT

To provide for the final payment and redemption of the public funded debt of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the sinking fund, for the time being, be and they are hereby authorized, empowered and required, at periods previous to and near the time at which any portion of the funded debt of this state shall become payable according to the terms expressed upon the face of the certificates thereof, to make and issue in due form agreeably to the laws of the state in such cases made and provided, certificates of the funded debt of the state of such numbers and amount as shall be sufficient, from the proceeds thereof, to redeem so much of said debt then about to become payable as shall not have been paid or fully provided for, by the application thereto of the sinking fund established and fixed by the constitution of the state and raised by law. And such certificates shall be made redeemable and payable at such time and times, after being issued, as in the judgment of the said commissioners may be most convenient and advantageous for the final redemption and payment of the same by the appropriation to that purpose of the sinking fund, established and raised as aforesaid. The time and place of the final redemption and payment of the principal and of the payment of the interest thereon by the state, and the rate of interest, shall be clearly expressed on the face of

Issue of new
certificates.

each certificate; but no certificate shall be issued or made payable after the first day of January, eighteen hundred and ninety-one, except at the pleasure of the state; and the faith of the state is hereby irrevocably pledged that the value of the certificates of the funded debt herein authorized to be issued shall in no wise be impaired or diminished by any act of the legislature, or other authorities of this state.

May be either
domestic or
foreign.

SEC. 2. All or any portion of such certificates of the funded debt of this state, as herein authorized and described, may be made and issued as a domestic debt, the principal and interest thereof to be payable at the treasury of the state at the seat of the state government, or as a foreign debt, the principal and the interest of which shall be payable at the office of the agency of the state in the city of New York, and at no other place or places whatever; and the certificates so issued as a domestic debt shall be issued and made transferable on the books of said commissioners at their office at the seat of government, and the certificates issued as a foreign debt shall be transferable on the books of the commissioners in the manner prescribed by law.

Interest—
how, when
and where
payable.

SEC. 3. The interest on all such certificates as may be issued as a domestic debt, as aforesaid, shall be made payable semi-annually—on the first day of February and on the first day of August, in each year, after the issuing thereof until the final redemption and payment of the principal; and the interest on all such certificates as shall be issued as a foreign debt shall be made payable semi-annually—on the first day of January and the first day of July, in each year, after the issuing of the same until the final redemption of the principal thereof.

Proposals,
publication of
notice, &c

SEC. 4. Whenever it shall become necessary to issue certificates of the funded debt of the state, as authorized and directed in the first section of this act, the same shall be offered by the commissioners of the sinking fund, for sale in the city of New York; and for that purpose the said commissioners shall advertise for bids or proposals for the taking of the same, in at least two newspapers of general circulation published in the city of New York, for a term of at least sixty days next preceding the day for the closing the reception of bids or proposals for taking the same, and such certificates shall be issued to the party and parties who shall agree to take the sum or any part thereof, at the highest rate of premium, and at a rate of interest not exceeding six per centum per annum, or at par, at the lowest rate of interest under six per centum per annum, as the said commissioners shall judge to be best for the interest of the state. No portion of said certificates shall be sold or disposed of at a rate or price less than the amount expressed on the face thereof; nor shall any commissions, expenses or charges be allowed on the sale and conversion thereof into money, so as to reduce the nett amount realized therefor below the amount

expressed on the face of the certificate or certificates so issued; and no certificate shall be issued bearing a rate of interest exceeding six per centum per annum. In all cases where there shall be more than one bid or proposal to take all or any portion of the certificates so to be issued as aforesaid, at a rate equal to each other, and most to the interest of the state, said commissioners shall apportion the amount equally and fairly amongst the parties making such bids or proposals; and the commissioners may adopt such other regulations in relation to the form and reception of bids or proposals as they may deem advantageous to the state; provided, however, that whenever certificates of the funded debt of the state, to be issued as authorized by the first section of this act, and which shall bear a rate of interest not exceeding five per centum per annum, can be sold at a price equal to or greater than the par value thereof, or exchange for an equivalent amount at its par value, of the then outstanding funded debt of the state, the commissioners of the sinking fund are hereby authorized and permitted so to sell or exchange such certificates or any part thereof, without advertising for bids or proposals for the same, and at any place or places where such sale or exchange can be effected.

Proviso.

Sec. 5. The net proceeds of the sale of the certificates of the funded debt of the state, issued under the authority of this act, shall be applied to the redemption and payment of the principal of the funded debt of the state now existing, and to no other purpose whatever; provided, however, and it is hereby expressly declared, that this act shall not apply to or include in its provisions the temporary debt of seven hundred thousand dollars, created to reimburse the treasury, and authorized by the act of April 12, 1858, the payment of which is provided for by a special tax levied by that act.

Application of proceeds.

Sec. 6. Any holder of any portion of the foreign debt of the state may at any time surrender the same to the commissioners of the sinking fund, and receive in lieu thereof a certificate or certificates of an equal amount of the domestic debt authorized by this act, and said commissioners shall make the necessary transfers, registries, entries and cancellations on their books. Upon the surrender of any of the now outstanding certificates of the domestic debt of the state, the commissioners of the sinking fund may issue in lieu thereof transferable certificates, as authorized by this act, the principal and interest of which shall be payable at the state treasury, and at the time and times specified in the certificates so surrendered; the certificates surrendered shall be immediately cancelled, and the proper entries thereof made in the books of the commissioners.

Foreign creditors entitled to new certificates in kind.

Domestic creditors.

Sec. 7. The commissioners of the sinking fund shall keep accurate accounts and registries of the issue and transfers, payment of the interest and of the final redemption and payment of the principal of said certificates. Said commis-

Duties of commissioners.

sloners are hereby required to report to the governor at the time of making their semi-annual reports, and at such other times as the governor may require, and to the general assembly, or either branch thereof, when so required by resolution, all their acts and proceedings done under and by authority of this act; and the governor shall communicate the reports made to him to the general assembly, if in session, and if not in session, then at the commencement of the next session thereafter; and if such report be made more than two months before the meeting of the general assembly, the governor shall cause such report to be published in at least two newspapers of general circulation published in each of the cities of Cincinnati, Columbus and Cleveland.

Act repealed.

SEC. 8. The "act to provide for the renewal and to regulate the final payment of the funded debt of the state," passed April 2, 1859, is hereby repealed.

SEC. 9. This act shall take effect and be in force on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

AN ACT

Supplementary to an act prescribing the duties of supervisors and relating to roads and highways, passed February 13, 1853; and to repeal an act entitled "an act prescribing the duties of supervisors and relating to roads and highways," passed April 8, 1856; also prescribing the duties of county commissioners, county auditors, township clerks, and supervisors; also to repeal certain other acts herein named, passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where the board of county commissioners in any county in this state did, at their March session, 1860, for any cause, fail to discharge any of the duties required of them by the first, second and fourth sections of the act to which this is supplementary, they may discharge such duty at the June session of said board for said year.

SEC. 2. This act to take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

AN ACT

Making an appropriation for the clerk of the commissioner of common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated, out of any money in the treasury for general revenue purposes, not otherwise appropriated, for the payment of the salary of the clerk in the office of the commissioner of common schools the sum of seven hundred and fifty dollars.

Appropriation, clerk of school commissioner.

SEC. 2. This act to take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

AN ACT

For the settlement and payment of the claim of Bartlit & Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of thirty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the amount of principal and interest due at the time of payment on a bill of exchange drawn by William H. Gibson, as treasurer of state, in favor of Bartlit & Smith, of Columbus, Ohio, on Atwood & Co., New York, June 12, 1857, for the sum of three thousand dollars; said payment shall be made only on the draft of the state auditor, after said auditor of state, secretary of state and attorney general shall be satisfied, from careful examination of the accounts between the state of Ohio and said Bartlit & Smith, that said claim is just, that no offsets exist in favor of the state against said Bartlit & Smith.

Appropriation, Bartlit & Smith.

SEC. 2. This act shall be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

AN ACT

To amend an act entitled "an act to establish the independent treasury of the State of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twelve of an act entitled "an act to establish the independent treasury of the state of Ohio," passed April 12, 1858, and took effect on the first day of July, 1858, be and the same is hereby amended so as to read as follows: **Section 12.** An inspection and thorough examination of all the books, vouchers, accounts, moneys, bonds, securities, and other property in the treasury of each and every county in this state, shall be made by the county auditor and county commissioners thereof as often as once in every six months in every year; and it is hereby made a part of the official duties of the judge of probate of each county, as often as once in every six months, or oftener, if the said judge shall deem it necessary, without notice to any other person, to appoint in writing, under the seal of said court, a competent and trusty accountant, who shall forthwith, without previous notice or intimation to the county treasurer of such intended inspection and examination, enter the county treasury and proceed immediately to count the money therein, and inspect and examine the books, records and vouchers thereof; and shall certify the condition of the same in writing, in triplicate, one copy of which certificate shall be recorded in the books of the treasury and filed by the treasurer in his office, and one copy shall be recorded and filed by the auditor of the county, and one other copy thereof shall be duly reported to the said probate court, and be entered of record therein. And the accountant so appointed, on performing the duties herein required, shall be paid at the rate of two dollars per day for the time necessary to the performance of the same, out of the county treasury, on a warrant drawn by the county auditor and approved by the certificate of said court, particularly specifying the duty performed; and every certificate, as herein provided, shall also contain a statement of the exact amount of money so found in and counted in the county treasury, and the exact amount belonging to each particular fund, together with all property, bonds, securities, assets and effects as aforesaid. And the auditor of state is hereby authorized, whenever from information filed in his office he shall deem it necessary for the safety and security of the public funds, to appoint some competent accountant, who shall, in like manner, proceed to examine the county treasury and count the funds therein, and shall have the same powers and receive the same compensation as an examiner appointed by a judge of probate; and such examiner shall, immediately after ascertaining the condition of the county treasury and the amount of money therein, certify the same in manner aforesaid, and file one copy of the certificate

55 Laws 48.

Semi-annual
examination
of county
treasuries,

by appointee
of probate
judge.

Certificate of
inspection.

His compensa-
tion.

Examination
by appointee
of auditor of
state.

His certificate.

with the county auditor, and one with the county treasurer, and transmit the other copy to the auditor of state, to be filed in his office. Each examiner, appointed under the provisions of this section, shall have power to call before him and examine witnesses under oath, and to administer such oath, and it shall be the duty of the county treasurer and county auditor to submit their offices, books, safes and moneys, papers and effects thereto belonging, to the inspection of such examiner on demand. His powers.

SEC. 2. That the original section twelve in the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

AN ACT

To amend sections five and six of an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of said act be amended so as to read as follows: Section 5. The assignee shall proceed at once to convert all the assets received by him into money, and to sell the real and personal property assigned, either for cash or upon such other terms as the probate judge, in his discretion, may order, at public auction, at such time and place as may be designated in notice given by advertisement in some newspaper of general circulation within the county for four successive weeks, and of which sale due return shall be made to the judge, but all sales of real estate shall be made at not less than two-thirds the appraised value thereof, being subject to re appraisal as upon executions at law, and such sale shall be set aside or confirmed as the probate judge shall order; and if confirmed, deeds shall be made to the purchasers, conveying the title free from all liens on the same for all debts due by the assignor. Whenever the probate judge shall be satisfied that it would be for the advantage of the creditors of the assignor to sell any part of the real or personal property assigned at private sale, such judge may authorize the assignee to thus sell the same, either for cash or upon such other terms as the probate judge, in his discretion, may order, but such property shall,

56 Laws 232.

Conversion of
assets—sale.

in no case, be sold for less than two-thirds its appraised value, nor shall such assignee become the purchaser thereof, and a return of such sale shall be made within the time prescribed by the probate judge, not to extend beyond six months, and such sale shall be confirmed by the probate judge before the same shall be complete and binding; and if confirmed, deeds shall be made of the real estate to the purchasers, conveying the title free from all liens on the same for all debts due by the assignor. Should any property, thus ordered to be sold at private sale, be not so sold within the time prescribed by the judge, then such judge shall order the same to be sold at public auction in the same manner as though a private sale had not been ordered.

Claims, presentation of, and remedy of claimant where disallowed.

SEC. 2. That section six of an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859, be amended so as to read as follows: Section 6. Creditors shall present their claims within six months after the publication of the notice provided for in section four of this act, to the assignee for allowance, and the assignee shall indorse his allowance or rejection thereon, and claimants whose claims are rejected shall be required to bring suit against the assignee to enforce such claims within thirty days after the same shall have been rejected, in which, if he recover, the judgment shall be against the assignee, that he allow the same in settlement of his trusts, with or without the costs, as the court shall think right: provided, however, that the assignee may make any defence to such action that the assignor might have made to a suit instituted against him before the assignment for the same cause of action.

SEC. 3. Said original section six is hereby repealed.

SEC. 4. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 26, 1860.

AN ACT

[To provide for the collection of claims against railroad companies.

Garnishees property of railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person shall have obtained judgment against any railroad company in any of the courts of this state, upon any claim due to common laborers for work and labor performed for such company, or for cross-ties, lumber, or cord wood, furnished to such company, to be used in the construction, repairing, or operation of such

road, or upon any note or other evidence of indebtedness, the consideration of which consisted of such labor, or materials, furnished to said company, the plaintiff in such case, his agent, or attorney, may file with the precipe for execution, in such judgment, his affidavit setting forth the nature of the claim upon which said judgment is founded, showing that the same is within the description of claims herein enumerated, that he does not know of any property of the defendant liable to levy and sale on such execution sufficient to satisfy the same, and that any person or corporation (to be named within the jurisdiction of the officer, to whom, according to the precipe, such execution is to issue), is indebted to the defendant—has property or claims of the defendant in his possession, or under his control, or as an agent of the defendant; whereupon the clerk shall issue, with the execution, a notice to each person or corporation named, that he is required to pay over to the officer holding such writ, the money, and deliver to such officer the property and claims of the defendant in his possession or under his control, or which may come into his possession, or under his control, at any time before the satisfaction of such judgment, not exceeding an amount sufficient to satisfy such judgment and costs, together with costs that may accrue.

SEC. 2. The officer shall serve upon each garnishee named in the notice, a copy of the execution and notice, and the person so served shall be bound to the plaintiff in execution from the date of such service, for all the money, property and claims of the defendant, in his possession or under his control, or which may come into his possession or under his control, at any time before the satisfaction of the judgment.

Notice to garnishee.

SEC. 3. At any time after service on the garnishee, as above provided, he may be required to appear before any officer within his township, competent to administer oaths, or before the clerk of the court of common pleas of his county, and answer such questions as may be asked him, touching the property of every description, moneys and credits of the defendant, in his possession, or under his control, by a written notice, signed by the plaintiff, his agent or attorney, specifying the time and place of such examination, which notice shall be served at least one day before the day fixed therein for the examination; such examination shall be reduced to writing, signed by the garnishee, certified by the officer before whom said examination is taken, and filed with the papers in the case. The garnishee shall be entitled to the same fees for attendance as are, by law, allowed to witnesses.

Examination of garnishee.

SEC. 4. If the garnishee shall refuse to appear, as required by the notice, upon proof being made of the due service thereof, an attachment may be issued against him, or, if having appeared, he shall refuse to answer such questions as may be asked him as aforesaid, it shall be the duty of

Attachment against garnishee upon failure to appear or refusal to answer.

the officer before whom such examination is being had, to commit such garnishee to the jail of the county, until he shall answer such questions, or be discharged, according to law.

Garnishee to
to deliver over
moneys and
property to
officer.

SEC. 5. The garnishee shall pay over to the officer all moneys in his hands or under his control, or which may come into his hands or control, belonging to the defendant, not exceeding the amount of the judgment and costs, and shall deliver all property and claims of the defendant in his hands, or which may come into his hands, to the officer, taking his receipt for such property, money or claims, which receipt shall be a sufficient discharge of any liability therefor; and upon refusal by such garnishee to pay over or deliver, as aforesaid, the plaintiff may commence an action therefor, in his own name, against the garnishee, and recover the same with costs.

Officer to sell
property.

SEC. 6. The officer shall sell, as upon execution, any property of the defendant so delivered to him, which would be liable to seizure and sale upon execution, and all the other property he shall hold to abide the order of the court.

When assign-
ments void.

SEC. 7. Any assignment or transfer of money or claims in the hands or under the control of any agent of such railroad company, made after the passage of this act, shall be void, as against judgment claimants under the provisions of this act as to the current receipts of such railroad company, in the hands or under the control of such agent at the date of the service of the notice of garnishment, as herein provided, or which may afterwards, and before the satisfaction of such judgment, come into his hands.

Cases to which
act to apply,
and limita-
tion.

SEC. 8. This act shall be in force from and after its passage, and shall apply as well to claims and judgments of the nature specified in the first section of this act now owing, as those that may hereafter accrue, or be recovered against railroad companies; provided, that the provisions of this act shall not extend to claims for lumber or cross-ties that may have been heretofore furnished to be used in the construction of any railroad.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 26, 1860.

AN ACT

Making appropriations for the maintenance and repair of the public works for the fiscal year ending November 15, 1860, and for the quarter ending February 15, 1861.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That there is hereby appropriated out of any*

moneys in the state treasury, for general revenue purposes, to be paid out on the check of the member of the board of public works who may have charge of the respective portions of the public works for which appropriations are made, as follows :

For general superintendence, construction and repairs on the northern portion of the Ohio canal, from Cleveland to the Licking dam, for the fiscal year ending November 15, 1860, the sum of fifty-five thousand dollars. For the quarter ending February 15, 1861, the sum of eight thousand dollars.

Northern part
Ohio canal.

On the Walhonding canal, for the fiscal year ending November 15, 1860, the sum of three thousand dollars. For the quarter ending February 15, 1861, the sum of five hundred dollars. For building Sandy and Beaver aqueduct, eleven thousand dollars.

Walhonding.

For general superintendence, construction and repairs on the southern portion of the Ohio canal, from the Licking dam to Portsmouth, for the fiscal year ending November 15, 1860, the sum of fifty-eight thousand dollars. For the quarter ending February 15, 1861, the sum of ten thousand dollars.

Southern part
Ohio canal.

On the Hocking canal, for the fiscal year ending November 15, 1860, the sum of twelve thousand seven hundred dollars. For the quarter ending February 15, 1861, the sum of two thousand dollars.

Hocking
canal.

On the Muskingum improvement, for the fiscal year ending November 15, 1860, the sum of thirty-four thousand dollars; and for the improvement of the mouth of the Muskingum river, two thousand dollars. For the quarter ending February 15, 1861, the sum of four thousand dollars.

Muskingum
Improvement.

For the payment of ferriage, or bridge toll, at Portsmouth, the sum of six hundred dollars. For the payment of indebtedness incurred prior to February 15, 1860, the sum of one thousand dollars.

Ferriage.

For general superintendence, construction and repairs on the Miami and Erie canal, from Cincinnati to Toledo, for the fiscal year ending November 15, 1860, the sum of ninety thousand dollars. For the quarter ending February 15, 1861, the sum of fifteen thousand dollars.

Miami and
Erie.

On the Western Reserve and Maumee road, for the fiscal year ending November 15, 1860, the sum of five thousand dollars. For the quarter ending February 15, 1861, the sum of one thousand dollars.

W. R. and
Maumee road.

For completion of contract with James Purdy at Gilead side-cut, the sum of two thousand dollars. For balance due E. Farrington & Co., on contract, for building lock number eight, north of Laramie Summit, in 1858, the sum of two thousand nine hundred and seventy-nine dollars and nineteen cents. For the payment of claims for damages to lands on the borders of the Mercer county reservoir, the sum of two thousand dollars.

Specific con-
tracts and
claims.

Resident engineers.

For the payment of the salaries of the resident engineers] the sum of seven thousand five hundred dollars.

Expenses.

For incidental expenses of the office of the board of public works, the sum of one thousand five hundred dollars; and for the payment of the salary of the secretary of said board, the sum of one thousand dollars—subject to the check of the president of said board.

Salaries of members.

For the payment of the salaries of the members of the board of public works, to be drawn on the warrant of the auditor of state, the sum of four thousand five hundred dollars. Provided, however, that the whole amount expended on the public works before mentioned, during the fiscal year ending November 15, 1860, and the first quarter of the year 1861, shall not exceed the gross receipts from the revenues of the public works by a sum greater than an average of two thousand dollars per month.

General limitation of expenditures.

SEC. 2. This act shall be in force on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

LOCAL AND SPECIAL ACTS.

AN ACT

To authorize the commissioners of Delaware county to borrow money to supply the deficiency occasioned by the defalcation of the county treasurer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Delaware, for the purpose of raising money to supply the deficiency in the treasury of said county, are authorized to issue the bonds of the county, in sums of not less than one hundred dollars each, bearing any rate of interest not exceeding eight per centum per annum, payable semi-annually, the said bonds to be redeemable within ten years from the date thereof. The bonds shall be signed by the commissioners, and attested by the auditor and the seal of said county, and shall be negotiable, but shall not be disposed of at less than their par value: Provided, that the aggregate amount of said bonds shall not exceed ten thousand dollars.

SEC. 2. The county commissioners of said county are authorized to levy such taxes on all the taxable property of said county as will be required to pay the interest and principal of the bonds as the same shall become due.

SEC. 3. The act entitled "an act to authorize the commissioners of Delaware county to borrow money to supply the deficiency in the treasury of said county," passed March 30, 1859, is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

January 19, 1860.

AN ACT

To authorize the lessee of lot No. 3 of ministerial section No. 29, in the township of Wesley, in Washington county, to surrender his lease and receive a deed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessee, assignee or equitable holder of lot number three of ministerial section twenty-nine, in original township number seven, of range number eleven, of the Ohio company's purchase, in Washington county, be and he is hereby authorized to surrender his permanent lease to the state of Ohio for the use of said township—the surrender to be made in writing, under seal, to the auditor of Washington county, who is hereby required to enter in a book, to be by him provided for that purpose, the date of the original lease, the name of the person surrendering the same, a full description of the tract surrendered, and the rate per acre at which such tract was valued at the last appraisement thereof under said lease.

SEC. 2. That on surrendering said lease, said lessee or assignee, or equitable holder, shall receive from the auditor of said county a certificate of purchase for the tract embraced in the lease surrendered, by paying therefor the same price per acre as the same was valued at at the last appraisement under said lease, in the manner following: One-fourth of the purchase money shall be paid at the time of the surrender, and the residue shall be divided into three equal installments, one of which shall be paid annually from and after the date of the surrender until the whole is paid; the deferred payments to bear interest at the rate of six per cent. per annum, payable annually; provided, the person surrendering shall be permitted to pay the whole of the purchase money at any time before the same becomes due; and provided further, that no person shall be permitted to make such surrender until all rents due under said lease shall have been fully paid.

SEC. 3. That all payments made under the provisions of this act shall be made to the treasurer of said Washington county; and the person making the same shall receive from said treasurer a receipt therefor, which receipt he shall deliver to said auditor, who shall file the same in his office, and charge the treasurer therewith, and give to the person making such payment a certificate of the same.

SEC. 4. That the treasurer of said county shall keep separate accounts of all moneys received under the provisions of this act—when, from whom, and on what account each item was received; and it shall be the duty of said county treasurer to make out and transmit, on or before the first Monday in January, annually, a transcript of said account, to the auditor of state; and the said county treasurer shall pay over annually to the treasurer of state, at the time of making his settlement with the treasurer of state, in February, all the money that shall have come into his hands under the provisions of this act during the preceding year.

SEC. 5. That when any person shall have surrendered his lease as aforesaid, said county auditor shall give him a certificate, specifying the date of the surrender, the name of the person surrendering the same, a description of the land embraced in the lease surrendered, the amount of purchase money, the number of installments, the amount paid, and when the several installments will become due.

SEC. 6. That when said lessee, or any person holding title under him, shall have paid in full for such tract of land under the provisions of this act, the said county auditor shall give the person entitled thereto a final certificate, particularly describing the parcel of land so paid for, and the several sums that have been paid thereon ; and upon the presentation of said certificate to the auditor of state, the said auditor of state shall make out a draft of a deed to the person or persons entitled thereto, which he shall deliver to the governor, which said deed shall be signed by the governor, sealed with the great seal of the state of Ohio, and countersigned and recorded by the secretary of state, and delivered to the person entitled thereto on demand.

SEC. 7. That if any person who shall have surrendered any such lease as herein provided, or his assignees, shall fail for one year to make payment of any installment after the same becomes due, the said county auditor, after giving sixty days notice in a newspaper printed in said county, of the time and place and terms of sale, and which notice shall describe the premises to be sold, shall proceed to sell said tract, with all the improvements thereon, at public auction, at the door of the court house, in said county, to the highest bidder in cash ; provided, the same shall not be sold for a less sum than remains unpaid of the purchase money and costs of sale ; and after paying out of the proceeds of said sale the costs and purchase money unpaid, the said auditor shall pay over to the person or persons so failing to make payment, or their legal representatives, on demand, any surplus that may remain ; and the purchaser at such sale shall be entitled to receive a deed from the governor, on the certificate of the auditor, the same as if he had been the holder of the lease, and complied with all the provisions of this act.

SEC. 8. That all moneys paid into the treasury under the provisions of this act shall be appropriated and the proceeds paid over in the same manner as money arising from the sale of other ministerial lands are, by the laws in force, appropriated and paid over.

SEC. 9. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

January 31, 1860.

AN ACT

To authorize the trustees of Ravenna township, in the county of Portage, to appropriate certain funds therein specified to the purchase of additional cemetery grounds.

WHEREAS, From taxes heretofore levied and collected in the township of Ravenna, in the county of Portage, for the purpose of erecting a town hall in said township, there now remains in the treasury of said township an excess, after defraying all costs and expenses in the erection and completion of said town hall, applicable by law to no specific purpose ;

and whereas, it appears that the cemetery grounds now used and occupied by said township are inadequate and insufficient to meet the reasonable wants and necessities of the inhabitants of said township in that respect: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the trustees of said township of Ravenna, and they or their successors in office are hereby fully authorized and empowered to collect, receive, use, pay out, and appropriate the whole or any part of said excess arising from said levy as aforesaid, in the purchase and improvement of additional cemetery grounds for the use and benefit of said township, in such manner as they or a majority of them shall deem most conducive to the interests of the inhabitants thereof; provided, that the lands so purchased by the authority of this act shall be adjacent to and adjoining the present cemetery grounds, lying and being north of the incorporated village of Ravenna, in said township; and provided further, that said purchase shall not exceed fifteen acres of land, and shall not exceed in the consideration money to be paid therefor, the amount of said excess belonging to said township, arising from the levy and assessment aforesaid.

SEC. 2. That all deeds of conveyance for the purchase of the lands authorized to be purchased by the first section of this act, shall be made to, and taken in the name of "the trustees of the township of Ravenna," in the county of Portage, and state of Ohio, and to their successors in office, in trust, for the uses and purposes of a cemetery for said township, and purposes connected therewith; and that all such deeds of conveyance shall vest in said trustees and their successors in office, for the purposes aforesaid, and for that purpose only, the absolute fee simple in trust as aforesaid to the lands so deeded and conveyed; provided, that neither said trustees, nor their successors in office, nor any other authority whatever, shall, at any time after acquiring such title, have any power or authority to sell, alienate, or in any manner dispose of said lands so purchased, or any interest whatever therein, but the same shall forever thereafter be held, used and enjoyed for the express and only purpose of a cemetery, as hereinbefore provided.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 8, 1860.

AN ACT

To enable the Canal Bank of Cleveland to close its affairs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the receiver of the Canal Bank of Cleveland, upon the written advice of the auditor of state and the treasurer of state,

to that effect, to sell at public auction, any claim, judgment, lien or interest in his hands, or over which he has control as such receiver, after having first advertised the same once per week for eight consecutive weeks in two newspapers of general circulation in the city of Cleveland. A pertinent description of each claim shall be given in such advertisement, and the proceeds of said sale, after the defraying of necessary expenses of advertising and sale, shall be paid over to the treasurer of state, for the benefit of the bill holders, and other creditors of the bank, as prescribed by law.

SEC. 2. This act shall take effect from its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 10, 1860.

AN ACT

To authorize the commissioners of Hamilton county to cause certain records to be made.

WHEREAS, It is represented to the general assembly that certain cases disposed of in the courts of Hamilton county, in this state, between the first day of August, A. D. eighteen hundred and fourteen, and the third day of April, A. D. eighteen hundred and twenty, and which affect the title of lands, remain unrecorded: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, in this state, be and they are hereby authorized, so far as said commissioners may deem it expedient so to do, to cause records to be made by the clerk of the court of common pleas of said county of such cases disposed of in the courts of said county between the first day of August, A. D. eighteen hundred and fourteen, and the third day of April, A. D. eighteen hundred and twenty, affecting the title of lands, as remain unrecorded.

SEC. 2. That it shall be the duty of the clerk of the court of common pleas of said county to make records, as in other cases, of all such cases as the commissioners of said county may, under the foregoing section, so direct; and said clerk shall receive, as compensation therefor, ten cents for each hundred words, three figures counting as one word, to be paid out of the county treasury upon the warrant of the county auditor, whose duty it is hereby made to issue such warrant for such sum or sums as may be certified by said commissioners to be due to said clerk for making said records.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 10, 1860.

AN ACT

For the relief of the creditors and stockholders of the Marietta and Cincinnati railroad company.

WHEREAS, It is represented to the general assembly, by the memorial of the board of directors of the Marietta and Cincinnati railroad company, that the said corporation is hopelessly insolvent and unable to pay its debts or complete the unfinished portions of its road, or to keep the same in safe repair, or to operate the same; and that a decree has lately been rendered by the court of common pleas for the county of Ross, Ohio, for the sale of said road and its franchises under proceedings by mortgagees thereof; and whereas, in order to preserve to the stockholders and unsecured creditors of said road an interest therein, after the sale, it has been agreed between a large majority of the creditors secured by said mortgages, and the board of directors of said company, acting therein, with the express approbation of a majority of said stockholders, that after such sale shall have been made, the purchasers at such sale, if said purchase should be made on behalf of said mortgagees, shall hold the said property subject to a re-organization of said company upon the basis provided in said agreement. And whereas, doubts exist whether, upon such sale, so decreed to be made, the purchaser or purchasers will be invested with the franchises of said company, and the charter of said company; and whereas, it is expedient and for the interest of all the parties, and for the security and benefit of the public, that said road shall after such sale be maintained and managed under said charter and subject to all rights and liabilities therein provided; now, therefore, to settle said doubts,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if a sale of said road shall be made and confirmed as provided for in said decree, all the franchises of said company shall thereby pass to and vest in the purchaser or purchasers, and such purchaser or purchasers shall become invested with the said charter, and be entitled to reorganize thereunder by the creation of stock not exceeding eight millions of dollars and by the election of a board of directors, with all the rights and privileges and subject to all the liabilities, except as hereinafter provided, of said company.

SEC 2. All the property of whatever description belonging to said company, or constituting its assets, other than that which is so decreed to be sold shall, upon and at the date of the re-organization, pass to and be vested in said company as re-organized, upon trust, to hold the same subject to the rights and liabilities of any creditor or other person having a right to look to the same, in as full and ample a manner as if said sale and said re-organization had not been had; and said re-organized company shall be no further liable on account of said property or assets than as trustee thereof, and all the property and franchises so decreed to be sold, shall forever remain exempt from the claims of all creditors and stockholders existing before such sale and re-organization.

SEC 3. Full authority is hereby given to the corporate authorities of the several county, township, city, village, or other municipal corporations owning or holding stock in the said company, to accept and receive, under the re organization, such portion of the new stock as may be apportioned to the stock so owned and held.

Sec. 4. In the creation of such new stock under said re-organization, such part or parts thereof may be made a preferred stock or stocks as may be necessary or expedient to carry out the terms of said re-organization, and to recognize and protect the just priorities which may exist among the parties thereto, and to complete and perfect such enterprise with its connections.

Sec. 5. And in order to guard against farther embarrassments by incurring debts, the directors of said company shall not incur any debt or loan without the concurrence of two-thirds in value of the stock represented at a meeting convened upon notice, nor shall any debt or debts be incurred by said corporation greater in the aggregate than one-third of all the capital stock of said company.

Sec. 6. This act shall take effect and be in force on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

February 24, 1860.

AN ACT

To extend the time of payment for the north-east and south-west quarter of the north-west quarter of section thirty-two, township nineteen, range nineteen; the west half of the south-east quarter and the south-east quarter of the south-east quarter of section twenty-eight, township nineteen, range nineteen; and the east half of section nineteen, township eighteen, range twenty, school lands in Morrow county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of six years from the day the respective installments fall due, be and the same is hereby given to Josiah Van Buskirk, William McDonald, John Graham, Josiah F. Simons, Cornelius Sherman, John Van Buskirk, Azariah Ayers, Elijah Hartpence, J. R. D. Seeds, Samuel T. Galligher, James Gerry and John Gerry, purchasers of the north-east quarter and south-west quarter of the north-west quarter of section thirty-two, township nineteen, range nineteen; the west half of the south-east quarter and the south-east quarter of the south-east quarter of section twenty-eight, township nineteen, range nineteen; and the east half of section nineteen, township eighteen, range twenty, school lands in Morrow county, for the payment of the principal of the purchase money thereof; provided, that the interest and taxes thereon be punctually paid according to law, and provided further, that the auditor of said county may require additional security for the payment of the principal and interest if, in his opinion, the public interest requires it.

SEC. 2 This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

To extend the time of paying school section eight, Ward township, Hocking county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of three years from the days the respective installments fall due, be and the same is hereby given to the purchasers of school section number eight, Ward township, Hocking county, for the payment of the principal of the purchase money thereof; provided, that the interest and taxes thereon shall be punctually paid according to law; and provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

Further to prescribe the duties of the county commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the commissioners of Hamilton county to cause to be constructed a bridge across the Great Miami river at or near the town of New Baltimore; provided, the cost of construction shall not exceed the sum of twenty thousand dollars; and to provide for the payment of such cost of construction, they are hereby authorized, in addition to their other powers of taxation, to levy a tax therefor upon the real and personal property returned upon the grand levy of said county. And it shall also be lawful for said commissioners to charge and collect on said bridge such rates of toll, for the use of the treasury of said county, as they shall deem just and reasonable.

SEC. 2. This act shall take effect on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

To enable the receivers of the bank of Massillon to close up its affairs.

WHEREAS, The general assembly of the state of Ohio, by an act passed February 27th, 1834, established a bank in the town of Massillon, in Stark county, by the name and style of the president, directors and company of the bank of Massillon, to continue until the first day of June, A. D. 1855; and said bank was organized and went into operation under said act; and whereas, upon the ninth day of November, A. D. 1853, said bank, having become hopelessly insolvent, conveyed all its assets to assignees for the benefit of its creditors; and whereas, also, the court of common pleas of said Stark county by an order made at the July term thereof, A. D. 1855, appointed receivers to take charge of said assets, and to close up the affairs of said bank; now, therefore, to enable said receivers more speedily to close their said trust,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the court of common pleas of Stark county, in this state, to make such order as said court may deem proper, requiring the receivers of the president, directors and company of the bank of Massillon to give notice for not less than sixty days by publication in such newspapers in this state and elsewhere, as said court may name, for the presentment to said receivers, within not less than six months from the expiration of said notice, of all claims against said bank, and barring all liabilities of said bank not so presented, from any and all dividends from said assets.

SEC. 2. That it shall be lawful for said court to make such order as said court may deem proper, requiring said receivers, within such time as said court may appoint, upon such notice by publication as said court may direct, to sell at public sale all the uncollected assets of said bank; and upon the report of said receivers, showing the payment of a final dividend of all funds in their hands, to make an order discharging said receivers and their sureties.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
RICHARD A. HARRISON,
President pro tempore of the Senate.

March 3, 1860.

AN ACT

Authorizing the sale of certain lands devised for school purposes.

WHEREAS, In the last will and testament of George Wright, deceased, admitted to probate by the court of common pleas in and for the county of Marion, on the second day of May, A. D. 1840, certain lands situate in said county were by said testator devised to the township of Pleasant,

THE UNITED STATES OF AMERICA
DO hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

IN WITNESS WHEREOF, the Secretary of the Interior, at Washington, D.C., this 1st day of March, 1901.

JOHN W. FOSTER, Secretary of the Interior.

JOHN W. FOSTER, Secretary of the Interior.

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THE UNITED STATES OF AMERICA
DO hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

they shall have power to fill all vacancies in their own body, and declare the seat of any member vacant who shall have been absent without permission for four consecutive regular meetings of said board.

Sec. 2. That original section three of an act entitled "an act to provide for the regulation and support of the common schools in the city of Cleveland," passed March 26, 1859, be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend an act entitled "an act to establish the superior court of Cincinnati."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the act entitled "an act to establish the superior court of Cincinnati," be amended so as to read as follows: The said judges shall be residents of Hamilton county, but may reside without the limits of the city of Cincinnati; they shall take the same oath, and be removed for the same causes, as judges of the court of common pleas.

Sec. 2. That the original fourth section of said act be and the same is hereby repealed.

Sec. 3. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To authorize the commissioners of Montgomery county to sell lot No. 276, and to provide for the erection of a county jail in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county be and they are hereby authorized to sell and convey lot number two hundred and seventy-six, in the city of Dayton, upon such terms and in such manner as they may deem most advisable, and apply the proceeds arising from the sale of said lot to the erection of a county jail in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend section four of an act entitled "an act to incorporate Neville institute," in the county of Columbiana, passed March 10, 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of said act be so amended as to read as follows : Sec. 4. That whenever any vacancy shall occur in the number of trustees of said institute, such vacancy shall be certified by the president and secretary to the probate judge of said county of Columbiana ; and each and every vacancy which may from time to time occur, shall be filled by said probate judge.

SEC. 2. Said original section four is hereby repealed ; provided, however, that such repeal shall not affect any act done under said original section.

SEC. 3. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 16, 1860.

AN ACT

Authorizing the sale of certain escheated lands in Harrison county.

WHEREAS, Samuel Bell, of the county of Harrison and state of Ohio, by virtue of an act of the general assembly of said state, entitled "an act to provide for leasing a tract of land in Freeport township, Harrison county," passed February 1, 1847, and the authority and powers therein specified, became the lessee of the west half of the south-west quarter of section number twenty-two, situate in township eleven, range seven, Steubenville land district, in said state of Ohio, with the privileges and appurtenances thereto belonging, for the period of ninety-nine years from the first day of April, 1847, and whereas, afterwards, on the twenty-seventh day of January, 1851, the said Samuel Bell sold, assigned and transferred all of his right, title, interest and claim in and to his said lease, to one James Love, of said county, who, ever since, has been and now is in the actual

possession of said premises under and by virtue of said assignment; and whereas also, the said James Love now desires to surrender up his said leasehold right to said premises, and become the purchaser of the absolute fee in the same—provided he can purchase the same at a fair price; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county auditor of said county of Harrison shall proceed to select three judicious disinterested freeholders of said county, who are not of kin to said Love, and who, upon their oaths or affirmations duly administered, and upon actual view of said premises, shall estimate and appraise the same without regard to any improvements thereon or the unexpired time of said lease; and the said auditor is hereby authorized and empowered, upon the cancellation and surrender of the said leasehold interest by the said Love to the said state of Ohio, to sell the said premises, with the privileges and appurtenances thereof, to the said James Love at such appraised value, in payments of one-twelfth part of the purchase money in hand, and one-twelfth part thereof each and every subsequent year thereafter, with interest on each of said several deferred payments until the whole purchase money be paid, and upon the payment of the whole amount of such consideration, shall make, execute and deliver, in the name of the state of Ohio, to the said James Love, his heirs and assigns forever, a good and sufficient deed in fee simple.

SEC. 2. All moneys arising from the sale of the aforesaid premises, under this act, shall be promptly paid over by said county auditor to the treasurer of said county, to be by him paid out and accounted for, in compliance with the laws of said state, now in force, regulating the disposition of moneys arising from the sale of escheated lands.

SEC. 3. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

March 16, 1860.

AN ACT

Dividing Salem township, in Warren county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Salem township, in the county of Warren, be and the same is hereby divided into two townships, the eastern to be called Harlan and the western to be called Corwin.

SEC. 2. The division line shall commence at a point on the west bank of Todd's Fork where it intersects the line dividing the townships of Salem and Washington, in said county, thence down Todd's Fork with the meanderings thereof to the mouth of Second Creek, thence in a straight line to the mouth of Wolf's Run, thence up said run to the forks thereof, thence up the west fork of said run to the line dividing the lands

of Robert C. Shurts and Alison Mounts, thence on a direct line to a point where the county road leading from Rossburg to Comargo, crosses the line dividing the townships of Hamilton and Salem in said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

March 16, 1860.

AN ACT

To authorize the commissioners of Scioto county to levy a tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Scioto county, in addition to their other powers of taxation, be and they hereby are authorized to assess and collect upon the grand levy of the taxable property of said county, a tax not exceeding in all two mills on the dollar, of which not more than one mill shall be assessed in any one year, to be applied to the erection of a bridge or bridges, upon any turnpike road or roads, which may be at the time of such assessment in actual process of construction in said county, and to no other purpose whatever.

SEC. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 17, 1860.

AN ACT

Further to prescribe the duties of the commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for the county commissioners of Hamilton county to enter into any contract for the erection or repair of any bridge or culvert, the estimated expense of which amounts to more than one hundred dollars, until after the trustees of the township or townships in which the proposed improvement is to be made, shall have, in writing, certified that, from actual examination, they believe the same to be necessary and proper for the convenience of the public, and until said commissioners shall have caused an actual estimate of the cost of the proposed improvement to be made and furnished to them by their engineer, and

no contract for the making of the said improvement, for a sum greater than the said estimate shall be binding upon the county; provided, that the said commissioners may nevertheless, by a unanimous vote, entered upon the minutes of their proceedings, and stating the grounds thereof, dispense with the operations of this section in cases of urgent necessity, when the estimated expense or outlay does not exceed five hundred dollars.

SEC. 2. Before the said commissioners shall advertise for proposals for the erection or improvement of any infirmary, work house, jail, bridge, or any other public building or improvement by which a larger amount of money or expense is involved than five thousand dollars, they shall cause plans, specifications, full size detailed drawings, and forms of bids, to be prepared by a competent architect or engineer, and shall have a sufficient number of copies of the same made for distribution among bidders, or they may cause said plans and drawings to be lithographed, and, together with the specifications and forms of bids, printed for that purpose. Copies of said plans and drawings attested by the contractor, and the original specifications, bids and contract, shall be deposited with the county auditor immediately on the contract being entered into.

SEC. 3. It shall be stipulated in every such contract that the contractor will not execute any extra work, or make any modifications or alterations in the work mentioned in the specifications and plans, unless ordered in writing by the commissioners, and that he will not claim payment for the same unless such written order be given.

SEC. 4. That the said commissioners be and they are hereby authorized to rent or lease, in the vicinity of the land heretofore purchased for the purpose of erecting a work house thereon, a suitable building, and to fit up the same for the safe keeping of prisoners sentenced to the jail of said county to be kept at hard labor under their direction; and they are hereby empowered to employ said prisoners in the quarrying of stone on said land and in the erection of said work house.

SEC. 5. The said building, when fitted up, shall be deemed the county work house for the time being and until the erection of a work house. The said commissioners shall appoint and fix the compensation of a keeper of said work house, who shall have the care and custody thereof and of its inmates, and such deputy keepers as shall be necessary for the control and management of the prisoners. The said keeper and his deputies shall receive and safely keep all prisoners committed to their custody until discharged by due course of law. They shall be liable to the same penalties as jailors for the neglect or violation of their duties.

SEC. 6. The said work house shall be subject to the laws regulating jails so far as the same are applicable, and it shall be the duty of the commissioners to provide for the comfort and sustenance of the prisoners therein.

SEC. 7. It shall be the duty of the sheriff of Hamilton county to transfer, from time to time, to the keeper of said work house, all the prisoners in the jail of said county who are sentenced to hard labor under the direction of said commissioners, and to take a receipt for such prisoners from said keeper.

SEC. 8. That section five of "an act further to prescribe the duties of county commissioners," passed April 8, 1856, be and the same is hereby

repealed ; provided, that not more than twenty of said prisoners shall be kept at said work house and stone quarry at one time until after the first Monday of January, 1861.

SEC. 9. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 19, 1860.

AN ACT

To extend the time of payment for school section number sixteen, York township, Belmont county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the day the respective installments fall due, be and the same is hereby given to the purchasers of school land, section number sixteen, York township, Belmont county, for the payment of the principal of the purchase money thereof; provided, that the interest and taxes thereon shall be punctually paid according to law; and provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if, in his opinion, the public interest may demand it.

SEC. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 19, 1860.

AN ACT

For the relief of the stockholders and creditors of the Cleveland, Medina and Tuscarawas railroad company.

WHEREAS, It is represented that the Cleveland, Medina and Tuscarawas railroad company is insolvent and unable to execute its corporate powers, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the Cleveland, Medina and Tuscarawas railroad company to compromise with its creditors; and with the consent of a majority of at least two-thirds in interest of its stockholders, its directors may make an agreement with its creditors for a sale, judicial or otherwise, of all its property, franchises, rights, powers and privileges, for

the payment of its debts, and by such sale the whole thereof shall vest in the purchaser, and the purchaser or purchasers shall become the corporators under and possessed of the charter of said company, subject to the terms of such agreement; and upon such agreement being filed by either party in any action in any court of record in this state, against said company, wherein the sale of the property of such company may justly be had, and it being made to appear to the satisfaction of the court, by affidavit or otherwise, that a majority in amount of debts and interest of the creditors of said company have assented thereto, and that said company is insolvent, such court or a judge thereof in vacation shall immediately cause publication of the pendency of such suit and agreement to be made, by a notice thereof for six weeks in a newspaper published nearest to said court, and also requiring all other creditors of said company to appear and show cause, if any there be, why such agreement should not be carried out. If any creditor shall fail to appear and show cause at the next succeeding term of said court, he shall be deemed and taken as assenting thereto; and unless it shall be shown to the court that the execution of such agreement will prevent a just appropriation of the property of said corporation to the payment of its debts, the court shall order and decree a sale and disposition thereof, and an arrangement of the debts and affairs of said company according to the terms of said agreement, and on a sale of said property, franchises, rights and privileges, and compliance with the terms thereof by the purchaser or purchasers, shall confirm such sale, and the whole thereof shall thereby vest in such purchaser or purchasers, and their assigns, as fully and completely in every respect as said railroad company theretofore held or could hold the same, and so that said purchaser or purchasers, and their associates or assigns, shall fully and legally be and become the owners and corporators under said charter, subject to the terms of said agreement; such agreement of parties may be filed in any stage of the cause, and any prior decree may be opened for that purpose. The directors of said company in office at the time of such sale, shall hold and exercise their said office until their successors are elected and qualified, which shall be within a period not exceeding two months from the time such sale is legally confirmed by the court, and a final distribution of the proceeds ordered as hereinafter provided.

Sec. 2. Nothing in this act shall be construed to change or to interfere with the priority of lien upon the purchase money paid at such sale, or claim for payment of any creditor out of the same, or to authorize any parties so to agree, or court so to decree, unless such change be assented to by all the parties to be affected thereby and made a part of said agreement provided for in the first section; but the proceeds of the sale and the avails of the property of said corporation shall be disposed of and distributed to its creditors according to law and to the terms of such agreement of parties; but no objection of any creditor shall be entertained by such court or effect its enforcement of the agreement whose debt could not be paid in whole or in part out of the property of said corporation about to be sold.

Sec. 3. Every agreement made in pursuance of this act, shall confer equal privileges, benefits, rights and advantages, in every respect on every stockholder and share of stock held in said company, and shall so

ensure. And every creditor of said company to whose claim by law any of the assets of said insolvent company would be applied, shall be entitled to the same in his or their respective class in the distribution thereof, in proportion to his or their claim. Every creditor shall file or prove his claim under the order of court, in the manner and within a time to be fixed by the court before distribution, and on failure so to do, such claim shall be forever barred. For the adjustment of such claims and their respective priorities, the court may, if necessary, appoint a special commissioner, whose report the said court shall have power to set aside or confirm, in whole or in part; and when said claims shall have been adjusted, together with their respective priorities, the court shall order a final distribution of the proceeds of such sale. After the property and franchises of said company shall have been sold and disposed of, and the proceeds thereof marshalled and distributed under the order of the court, in manner aforesaid, no such suit shall be maintained against said company or its successors for any debt due or claim theretofore existing or to arise against such insolvent company, except such debts and liabilities as may have been assumed by the agreement hereinbefore provided for; but all such debts, dues and claims shall be regarded and deemed as wholly extinguished by the assets distributed as aforesaid, or by the failure to file and prove the same; and when organized in pursuance of this act, the corporators succeeding such insolvent company shall hold and own all the property, franchises, rights and privileges of such company, free and clear of all pre-existing debts and liabilities whatever, except such as may have been assumed as aforesaid.

Sec. 4. The company thus organized, shall have and be known, and contract and be contracted with, by the same corporate name of said insolvent company; but such name may be changed at any time in the manner now prescribed by the laws applicable thereto. It may also create and make a new capital stock and issue shares thereof; but nothing in this act contained shall be construed as creating any new corporation or corporative powers.

Sec. 5. Whenever such agreement as is provided for in the first section of this act, shall be filed in the manner therein prescribed, the directors of said company or a majority of them, shall therewith file a statement in writing, signed by them, and duly verified by their affidavit, setting forth that such corporation cannot pay its debts, nor proceed to execute and carry out the purposes of its charter, nor prevent injury, loss or damage to its creditors and stockholders; and that the carrying out of such agreement so filed, will benefit the parties thereto and not deprive any creditor of any property out of which any part of his claim could be made; and unless the court be satisfied that such statement is true in substance and in fact, said company shall not be entitled to the benefit of the provisions of this act or of any part thereof.

Sec. 6. If said property, franchises, rights, powers and privileges be offered for sale as above in this act provided for, and the same be returned not sold for want of bidders, the court to which such return is made, may upon application of the directors of said company order a sale of said property, franchises, powers and privileges, upon such terms and under such regulations as shall seem to it just and proper, and most for the interests of the stockholders and creditors of said company; pro-

vided, that the court shall first determine and find the actual value of the property and rights so ordered to be sold, and that the order and decree shall fix the minimum selling price of said property and rights at two-thirds the value thereof so found by the court, and the sale thus made shall have the same effect as provided in the preceding sections of this act.

SEC. 7. This act to take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 20, 1860.

AN ACT

To authorize the board of education of the city of Columbus to raise money for the erection of school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, in the opinion of the board of education of the city of Columbus, the buildings appropriated to the use of the public schools are inadequate for the accommodation of the youth entitled to the privileges thereof, they may certify that fact to the county auditor of Franklin county, and said auditor shall cause such sum to be levied upon the taxable property of said city as the said board of education may require, and the same shall be collected as other school taxes are or may be, and paid to the treasurer of said board; provided, however, that said sum so required shall not exceed in any one year one mill on the dollar of the valuation of taxable property of said city, in addition to what is now authorized by law to be raised for school purposes; provided further, that no such levy shall be made after the year 1862.

SEC. 2. The money so raised shall be expended only in the erection and repairs of school buildings.

SEC. 3. This act to be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 21, 1860.

AN ACT

To authorize the city of Hamilton, in Butler county, to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city of Hamilton, in Butler county, is hereby authorized to borrow money to pay debts, in any sum not exceeding ten thousand dollars in the aggregate, and to issue bonds of not less than one hundred dollars

each, bearing a rate of interest not exceeding eight per cent. per annum, payable annually; said bonds to be negotiated and to be redeemable within five years from the date hereof, and at such times within said five years as such city of the second class may determine; and said bonds shall not be disposed of at less than their par value: Provided, that said bonds or the money, realized from the sale thereof, shall be applied to the payment of debts which have been incurred in pursuance of law, which are now due, and to no other indebtedness.

SEC. 2. That the bonds shall be signed by the president and clerk of the council, and the property and revenues of said city are hereby forever pledged for the payment thereof.

SEC. 3. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 22, 1860.

AN ACT

To extend the time of payment of section sixteen, township seven, range eight, school lands, in Noble county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of six years, from and after the day the respective installments have, or may fall due, be and the same is hereby given to Arthur Morrison and the other purchasers of section sixteen (16), township seven (7), and range eight (8), school lands in Noble county, for the payment of the principal of the purchase money thereof; provided, that the interest and taxes thereon be punctually paid according to law; and provided further, that the auditor of said county of Noble may require additional security for the payment of the principal and interest, if in his opinion the public interest require it.

SEC. 2. This act shall take effect from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

AN ACT

Supplementary to an act entitled "an act to incorporate the Defiance female seminary, in the county of Defiance," passed March 23, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the term of credit stated in the eighth section of the above mentioned act, be and the same is hereby extended to the further time of five years from the passage of this act: Provided, that on or before the first

day of January, A. D. 1861, the trustees of said Defiance female seminary shall pay all taxes, interest and penalty heretofore assessed upon the lands that have been selected, in compliance with the provisions of said original act ; and provided further, that, within five years after the passage of this act, the said trustees shall erect a building or buildings for the use of said seminary, at a cost of not less than twenty-five hundred dollars, and shall, during said five years, punctually pay all taxes assessed against the lands aforesaid ; and in case of a failure or neglect of said trustees to comply with the conditions in this section specified, said lands shall, at the expiration of said five years, become absolutely forfeited to the state.

Sec. 2. This act shall take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 26, 1860.

in said county, for the use of schools in said township ; and whereas the people of said township are desirous of having said lands sold, and the proceeds thereof invested for the benefit of common schools in said township ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Pleasant, in the county of Marion, are hereby authorized and empowered to proceed, under and in accordance with the provisions of the laws now in force, regulating the sale of school lands and the surrender of permanent leases thereto, and bring to sale the lands devised to said township for the use of schools therein, by the last will and testament of George Wright, late of said county, deceased.

SEC. 2. That when said lands shall be sold, as provided in the preceding section of this act, the money arising from such sale shall be paid into the state treasury, in the same manner as other moneys arising from the sale of school lands, and shall be managed and controlled in the same way that other school moneys are controlled and managed, exclusively for the benefit of said Pleasant township, in said county of Marion, as intended by said testator in his last will and testament.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

March 10, 1860.

AN ACT

To amend section three of an act entitled "an act to provide for the regulation and support of the common schools in the city of Cleveland," passed March 26, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act be so amended as to read as follows : **Sec. 3.** The board of education shall enter upon the duties of their office on the second Tuesday after their election, and shall be sworn to a faithful discharge of the duties of their office ; they shall also be judges of the elections, returns and qualifications of their own members ; they shall determine the rules of their proceedings, and make such by-laws and regulations for their own government, not inconsistent with this act and the laws of this state, as they may deem proper and expedient ; they shall keep a journal of their proceedings, which shall be open to the inspection and examination of any citizen ; and may compel the attendance of absent members in such manner and under such penalties as they shall see fit to prescribe ; they shall select from their own body a president and secretary, and appoint a superintendent of schools, prescribe their duties and fix their compensation ; they shall meet once in every two weeks, and a majority shall constitute a quorum ;

they shall have power to fill all vacancies in their own body, and declare the seat of any member vacant who shall have been absent without permission for four consecutive regular meetings of said board.

Sec. 2. That original section three of an act entitled "an act to provide for the regulation and support of the common schools in the city of Cleveland," passed March 26, 1859, be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend an act entitled "an act to establish the superior court of Cincinnati."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the act entitled "an act to establish the superior court of Cincinnati," be amended so as to read as follows: The said judges shall be residents of Hamilton county, but may reside without the limits of the city of Cincinnati; they shall take the same oath, and be removed for the same causes, as judges of the court of common pleas.

Sec. 2. That the original fourth section of said act be and the same is hereby repealed.

Sec. 3. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To authorize the commissioners of Montgomery county to sell lot No. 276, and to provide for the erection of a county jail in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county be and they are hereby authorized to sell and convey lot number two hundred and seventy-six, in the city of Dayton, upon such terms and in such manner as they may deem most advisable, and apply the proceeds arising from the sale of said lot to the erection of a county jail in said county.

in said county, for the use of schools in said township ; and whereas the people of said township are desirous of having said lands sold, and the proceeds thereof invested for the benefit of common schools in said township ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Pleasant, in the county of Marion, are hereby authorized and empowered to proceed, under and in accordance with the provisions of the laws now in force, regulating the sale of school lands and the surrender of permanent leases thereto, and bring to sale the lands devised to said township for the use of schools therein, by the last will and testament of George Wright, late of said county, deceased.

SEC. 2. That when said lands shall be sold, as provided in the preceding section of this act, the money arising from such sale shall be paid into the state treasury, in the same manner as other moneys arising from the sale of school lands, and shall be managed and controlled in the same way that other school moneys are controlled and managed, exclusively for the benefit of said Pleasant township, in said county of Marion, as intended by said testator in his last will and testament.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS;

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

March 10, 1860.

AN ACT

To amend section three of an act entitled "an act to provide for the regulation and support of the common schools in the city of Cleveland," passed March 26, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act be so amended as to read as follows : **Sec. 3.** The board of education shall enter upon the duties of their office on the second Tuesday after their election, and shall be sworn to a faithful discharge of the duties of their office ; they shall also be judges of the elections, returns and qualifications of their own members ; they shall determine the rules of their proceedings, and make such by-laws and regulations for their own government, not inconsistent with this act and the laws of this state, as they may deem proper and expedient ; they shall keep a journal of their proceedings, which shall be open to the inspection and examination of any citizen ; and may compel the attendance of absent members in such manner and under such penalties as they shall see fit to prescribe ; they shall select from their own body a president and secretary, and appoint a superintendent of schools, prescribe their duties and fix their compensation ; they shall meet once in every two weeks, and a majority shall constitute a quorum ;

they shall have power to fill all vacancies in their own body, and declare the seat of any member vacant who shall have been absent without permission for four consecutive regular meetings of said board.

Sec. 2. That original section three of an act entitled "an act to provide for the regulation and support of the common schools in the city of Cleveland," passed March 26, 1859, be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To amend an act entitled "an act to establish the superior court of Cincinnati."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the act entitled "an act to establish the superior court of Cincinnati," be amended so as to read as follows: The said judges shall be residents of Hamilton county, but may reside without the limits of the city of Cincinnati; they shall take the same oath, and be removed for the same causes, as judges of the court of common pleas.

SEC. 2. That the original fourth section of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

March 10, 1860.

AN ACT

To authorize the commissioners of Montgomery county to sell lot No. 276, and to provide for the erection of a county jail in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county be and they are hereby authorized to sell and convey lot number two hundred and seventy-six, in the city of Dayton, upon such terms and in such manner as they may deem most advisable, and apply the proceeds arising from the sale of said lot to the erection of a county jail in said county.

be added to the joint rules of said general assembly, as an additional rule, viz: 18. Whenever a bill is finally passed, the clerk of that branch of the legislature which has possession of the bill, shall immediately affix to it the date of its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 9, 1860.

JOINT RESOLUTION,

Relative to printing, binding and distributing the reports of the state board of agriculture.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and required to have printed thirty thousand copies of the report of the state board of agriculture for the year 1859, and thirty thousand copies of the report for the year 1860, of which ten per cent. shall be printed in German; and the size of the type and mechanical execution to conform to the report of said board for the year 1858, and in style of binding to conform to the report of said board for the year 1858; provided, that nothing shall be published in said report except such matter as is authorized by law, not to exceed in amount the report of 1858. Two thousand copies of the report for the year 1859, and two thousand copies of the report for the year 1860, to be subject to the order of the state board of agriculture, for exchange and foreign distribution. Twenty-eight thousand copies of the report for each of said years 1859 and 1860, the secretary of state shall apportion equally among the present members of the general assembly; the number of German copies for each member to be determined by a list to be furnished said secretary of state by the committee on agriculture in each house; on which list shall be stated the number of German copies desired by the several members. Said reports shall be boxed up and forwarded by the secretary of state to the members of the legislature, directed to the care of the county auditors in the counties in which they respectively reside. The charges of the transportation of said reports, as well as the charges for lumber and making of boxes, shall be paid for in the same manner as is or may be provided by law for the distribution of the laws and journals.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 10, 1860.

JOINT RESOLUTION,

Relative to the enlargement and improvement of the Louisville and Portland canal.

Resolved, by the General Assembly of the State of Ohio, First—That the commercial interests of the Ohio valley imperatively demand an enlargement and improvement of the Louisville and Portland canal, and that the money already invested in said canal by the United States government is of little public benefit until the works can be enlarged and extended.

Second—That the senators and representatives from Ohio in the congress of the United States are earnestly requested to procure an appropriation by said congress adequate to the exigency of the case, and to adopt such measures as will insure a speedy enlargement and completion of said canal.

Third—That the governor of Ohio is hereby requested to forward a copy of these resolutions to the senators and representatives from this state in the congress of the United States.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 10, 1860.

JOINT RESOLUTION,

Relative to the kidnapping of the Polly family.

WHEREAS, On the night of the 6th of June, 1850, seven of the children and one grand child of Peyton Polly, all free persons of color, residing in Lawrence county, were forcibly seized with a view of reducing them to slavery, that four of them were arrested in the state of Kentucky on their way to a southern slave market, and after protracted litigation were declared free persons by the courts of that state, and returned to their homes; and whereas, four of said persons of color were sold into slavery in the county of Wayne, in the state of Virginia, and are now held in bondage there; and whereas, suit was instituted in the county of Cabell, in said state of Virginia, for the freedom of said last mentioned colored persons, and were declared free by the judgment of the circuit court of Cabell county, which judgment was afterwards reversed by the court of appeals, on the ground that the actual residence of the defendant was in Wayne county, and the Cabell county court had no jurisdiction of the cause; that said proceedings were removed to the county of Wayne, and are now pending: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to expend any sum not exceeding one thousand dollars for the purpose of defraying expenses of said litigation; that the standing committee on finance be instructed to pro-

vide for the same in the general appropriation bill; and that the governor be requested to take such measures as he, in his judgment, may deem necessary for the speedy and successful termination of said proceedings.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 10, 1860.

JOINT RESOLUTION,

Relative to repairing the Northern Ohio Lunatic Asylum.

WHEREAS, The great storm on the evening of the twenty-second of February, instant, destroyed about one-third of the tin roofing of the Northern Ohio Lunatic Asylum, at Newburgh, Ohio, and seriously injured other parts of said building, so as to render it in part untenable: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That the trustees of the Northern Lunatic Asylum, or a majority of the same, are hereby authorized to contract immediately for such repairs as shall place the building in as good condition as it was previous to the accident.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 10, 1860.

JOINT RESOLUTION,

In relation to duties on the agricultural products of the United States by the French government.

WHEREAS, The state of Ohio, with the rest of the Mississippi valley, is greatly interested in the extension of the market for those agricultural products of which our soil can yield so vast a supply: Therefore,

Resolved by the General Assembly of the State of Ohio, That the president of the United States be respectfully requested to instruct our minister at the court of France to use his best exertions to procure a reduction on the rates of duty now imposed by the French government on the agricultural products of the United States, and especially of those duties now imposed upon provisions and breadstuffs.

Resolved, That two copies of these resolutions be transmitted by the governor to the president, with a request that one of them be forwarded to the American minister at Paris, and also send copies to the governors

of Indiana, Illinois, Missouri, Tennessee and Kentucky, Wisconsin, Iowa and Michigan, who are respectfully requested to lay them before the legislatures of their respective states.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

JOINT RESOLUTION,

Relative to the admission of Septimus Hicks and Jane Hicks into the Southern Ohio Lunatic Asylum.

WHEREAS, It having been made to appear that Septimus Hicks and Jane Hicks, his wife, late residents of Chatham, Kent county, Canada West, but now residing in the city of Springfield, Clark county, Ohio, aged respectively about forty years, have recently shown symptoms of insanity, and are daily growing worse; and whereas, the said Septimus Hicks is now confined in the jail of said Clark county, and the said Jane in the infirmary of said county; and whereas, their physicians believe them curable, but concur in opinion that confinement in the jail or infirmary is injurious to them, preventing their recovery; and further, that it is absolutely necessary that they should be admitted into an asylum, for medical treatment therein, so that they may be restored in health to their family; and whereas, by the present laws of Ohio, the said lunatics would not be admissible subjects into the asylums of the state, having only resided in this state about eight months: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Southern Lunatic Asylum at Dayton, upon proof being made, as in other cases, that Septimus Hicks and Jane Hicks, of Springfield, Clark county, Ohio, are lunatics, is hereby required to admit them as patients in the said institution; provided, there is room in the same, and no citizen of Ohio be excluded hereby.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 16, 1860.

JOINT RESOLUTION,

To authorize the commissioners of the sinking fund to sell or pledge certain bonds therein named

Resolved by the General Assembly of the State of Ohio, That the commissioners of the sinking fund be and they are hereby authorized to sell for cash, at the market value, or if there be no market value, then at such price as said commissioners shall deem equal to their actual cash value,

all bonds or stocks owned by the state, of any railroad company, and to deposit the proceeds thereof with the treasurer of state to the credit of the sinking fund; but if said commissioners shall not be able to obtain for said stocks and bonds a sum which they shall deem equal to the actual cash value thereof, then the said commissioners shall be and they are hereby authorized to make such temporary use of said stocks or bonds as in their opinion the demands upon the sinking fund and the interests of the state may require.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 19, 1860.

JOINT RESOLUTION,

Relative to the United States census.

Resolved by the General Assembly of the State of Ohio, That the governor of this state be requested to correspond with the president of the United States, with the view of obtaining for the commissioner of statistics the county aggregates of all the statistics obtained by the United States census takers, as soon as the same are obtained.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 19, 1860.

JOINT RESOLUTION,

Relative to the claim of Samuel Doyle.

Resolved by the General Assembly of the State of Ohio, That the board of public works be and they are hereby authorized and required to investigate all matters of difference between the said state and the said Samuel Doyle, relative to his said claim for damages, and report to the said general assembly the result of their finding in the premises.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 19, 1860.

JOINT RESOLUTION,

Relative to removing bar from the mouth of the Muskingum river.

WHEREAS, The state of Ohio has made provision for removing the bar from the mouth of the Muskingum river, to secure the uninterrupted navigation of said river, at all stages of water; and whereas, to secure the effectual removal of said bar, it will be necessary to concentrate the water of the Ohio river on the north side of Marietta island: Therefore,

Resolved by the General Assembly of the State of Ohio, That Congress be requested to make an appropriation sufficient to construct the dam at the head of Marietta island, and to remove Duck Creek bar, and finish the jettee at the foot of the island, on the plan of the survey of the Ohio river above the falls, made under the direction of Capt. John Saunders' corps of engineers, by Charles A. Fuller, civil engineer, and that the governor be requested to transmit a copy of this preamble and resolution to our senators and representatives in congress.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 20, 1860.

JOINT RESOLUTION,

In reference to common schools.

Resolved by the General Assembly of the State of Ohio, That the commissioner of common schools be and is hereby instructed to communicate in his next annual report the following information, viz: The annual cost for sustaining schools for the years 1858, 1859 and 1860 per scholar in average daily attendance; also, a tabular statement, showing the annual cost in each county for sustaining schools for the same years per scholar in average daily attendance.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 21, 1860.

JOINT RESOLUTION

Relative to the Pacific railroad.

WHEREAS, From considerations of national honor and safety, to facilitate the movements of troops and munitions of war, for greater speed and safety in the transmission of mails, as protection to our citizens

against thieving and marauding hordes of savages, and to strengthen and increase the social ties and commercial relations of the eastern and western portions of our confederacy, as well as to develop the wealth of our public domain, a railroad communication with the Pacific Ocean is of great national importance; be it therefore

Resolved by the General Assembly of the State of Ohio, That we commend to the careful consideration of the congress of the United States the passage of such measures as shall most effectually and speedily secure a railroad from the Mississippi River to the Pacific Ocean.

Resolved, That a copy of the foregoing resolution be furnished to each of our senators and representative in congress, by the governor, as soon after their passage as practicable.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

JOINT RESOLUTION,

Relative to preparing a code of criminal offenses and criminal procedure.

Resolved by the General Assembly of the State of Ohio, That the senate and house committees on the judiciary are hereby requested to prepare and present at an early day of the adjourned session, a code of criminal offenses and criminal procedure.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

JOINT RESOLUTION,

In relation to making out a list of bills, &c.

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the two houses be and they are hereby authorized and instructed, as soon as practicable after the 26th inst., to prepare a list of the bills introduced into each house, showing the condition and disposition of the

bills, and that the secretary of state cause the same to be printed, and two copies thereof to be transmitted by mail to each member of the general assembly and the president of the senate.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

JOINT RESOLUTION,

In relation to authorizing the state librarian to have bound two copies of all senate and house bills.

Resolved by the General Assembly of the State of Ohio, That the state librarian be and he is hereby instructed and required to have bound and preserved in the library, for future reference, two copies of the printed bills introduced in the senate and house during the present session.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 24, 1860.

JOINT RESOLUTION,

In relation to the duties and pay of the chief clerks after the adjournment.

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the senate and house of representatives shall each receive at the rate of four dollars per day for the time actually employed after the adjournment of the general assembly, for making out indexes to the printed and recorded journals of the present session, for reading proof sheets of the same, and for such other necessary work as they are by law and the duties of their offices required to perform, to be paid out of any money appropriated to defray the expenses of the general assembly, on the order of the auditor of state.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

JOINT RESOLUTION,

Relative to printing the proceedings of the state board of equalization.

Resolved by the General Assembly of the State of Ohio, That the auditor of state be requested to have printed five hundred copies of the proceedings of the state board of equalization in English and one hundred in German, previous to and inclusive of the year 1860, and that the secretary of state be directed to furnish one copy to each member of the general assembly, and one copy to each member of the state board of equalization.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

JOINT RESOLUTION,

Relative to paying for publishing the official reports of the general assembly in the Ohio Statesman and Ohio State Journal.

Resolved by the General Assembly of the State of Ohio, That the presiding officers of the two houses be directed to certify for the Ohio Statesman and Ohio State Journal their compensation for publishing the official reports of the proceedings of the general assembly, commencing with the beginning of the session.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 26, 1860.

OFFICE OF SECRETARY OF STATE,
COLUMBUS, Ohio, April 17, 1860.

I certify that the foregoing general, local and special laws and joint resolutions are correctly copied from the original rolls on file in this office.

ADDISON P. RUSSELL,
Secretary of State.

TIMES OF HOLDING COURTS.

OFFICE OF THE SECRETARY OF STATE,
COLUMBUS, O., April 17, 1860.

I certify that the following list of the times of holding the District Court and Courts of Common Pleas in the State of Ohio, is correctly compiled from the returns made to this office, and from the laws passed by the Legislature at the session of 1860.

ADDISON P. RUSSELL,
Secretary of State.

FIRST DISTRICT.

DISTRICT COURT.

Hamilton, April 16, October 1.

COURTS OF COMMON PLEAS.

Hamilton, January 2, June 4, November 5.

SECOND DISTRICT.

DISTRICT COURT.

Butler, April 16; Preble, May 3; Darke, May 14; Montgomery, May 21; Miami, June 4; Clinton, August 20; Warren, September 3; Greene, September 10; Clark, September 20; Champaign, October 1.

COURTS OF COMMON PLEAS.

Butler, February 13, June 18, August 6, October 15.
Darke, February 13, April 16, August 6, October 15.
Preble, March 5, June 18, August 20, November 5.
Champaign, February 13, June 18, October 15.
Montgomery, March 5, June 25, November 5.
Miami, April 2, August 20, December 3.
Clinton, February 6, June 18, October 15.
Clark, February 6, June 18, October 15.
Greene, March 19, July 2, November 19.
Warren, March 19, July 2, November 19.

THIRD DISTRICT.

DISTRICT COURT.

Shelby, August 28; Auglaize, August 30; Mercer, September 1; Allen, September 3; Hardin, September 6; Logan, September 10; Marion, September 13; Union, September 17; Vanwert, September 19; Paulding, September 21; Defiance, September 22; Henry, September 25; Fulton, September 27; Williams, September 29.

COURTS OF COMMON PLEAS.

Union, January 30, April 16, October 1.
 Hardin, February 13, April 23, October 15.
 Marion, February 27, April 30, October 22.
 Logan, March 12, May 14, November 12.
 Mercer, January 16, April 2, October 2.
 Vanwert, January 30, May 22, October 10.
 Shelby, February 13, May 28, October 15.
 Auglaize, February 27, June 4, October 29.
 Allen, March 12, June 11, November 12.
 Paulding, January 31, October 2.
 Defiance, February 6, May 1, October 16.
 Henry, February 14, May 8, October 30.
 Fulton, February 28, May 29, November 13.
 Williams, March 13, May 22, November 27.

FOURTH DISTRICT.

DISTRICT COURT.

Erie, May 11; Huron, May 15; Lucas, April 16; Sandusky, May 7; Ottawa, May 9; Lorain, September 4; Medina, September 7; Summit, September 13; Cuyahoga, September 17.

COURTS OF COMMON PLEAS.

Erie, February 27, June 4, October 29.
 Huron, March 12, June 18, November 12.
 Lucas, February 20, May 28, November 12.
 Sandusky, February 20, May 28, October 15.*
 Ottawa, March 27, June 26, November 20.
 Lorain, January 31, May 1, October 23.
 Medina, February 21, May 15, November 6.
 Summit, March 13, May 29, November 20.
 Cuyahoga, February 20, May 21, November 5.

FIFTH DISTRICT.

DISTRICT COURT.

Madison, May 4; Franklin, May 7; Pickaway, May 14; Adams, September 18; Brown, September 20; Clermont, September 24; Highland, October 1; Fayette, October 11; Ross, October 15.

COURTS OF COMMON PLEAS.

Adams, January 3, May 22, October 30.
 Brown, January 17, June 5, November 13.
 Clermont, January 31, June 19, November 27.
 Ross, February 28, June 5, November 27.
 Highland, February 14, May 22, November 13.
 Fayette, April 10, July 17, November 6.
 Franklin, February 21, May 22, November 6.
 Pickaway, March 6, June 12, October 23.
 Madison, March 27, June 26, October 23.

SIXTH DISTRICT.

DISTRICT COURT.

Knox, June 4; Richland, June 25; Ashland, June 29; Wayne, July 2; Holmes, July 6; Coshooton, July 9; Licking, July 11; Morrow, August 1; Delaware, August 6.

COURTS OF COMMON PLEAS.

Delaware, March 6, May 8, October 9.
 Knox, April 2, September 3, November 26.
 Licking, February 20, August 20, November 5.
 Morrow, February 14, April 24, October 16.
 Richland, March 5, September 10, November 19.
 Ashland, February 21, May 8, October 30.
 Wayne, March 5, September 10, November 26.
 Holmes, February 14, May 1, October 16.
 Coshooton, April 3, September 17, December 10.

SEVENTH DISTRICT.

DISTRICT COURT.

Washington, April 9; Meigs, April 13; Gallia, April 16; Lawrence, April 18; Scioto, April 21; Pike, April 26; Perry, September 3; Fairfield, September 5; Hocking, September 10; Athens, September 12; Vinton, September 15; Jackson, September 17.

COURTS OF COMMON PLEAS.

Fairfield, February 27, May 7, October 1.
 Hocking, March 12, June 4, October 29.
 Perry, March 26, May 21, October 15.
 Lawrence, February 13, May 14, September 24.
 Vinton, February 13, May 14, September 24.
 Jackson, February 27, May 28, October 15.
 Pike, March 12, June 11, October 29.
 Scioto, March 19, June 18, November 8.
 Washington, February 27, May 28, October 11.
 Athens, March 8, June 7, October 22.
 Meigs, March 19, June 18, November 2.
 Gallia, March 26, June 25, November 12.

EIGHTH DISTRICT.

DISTRICT COURT.

Tuscarawas, April 17; Muskingum, April 19; Morgan, April 27; Guernsey, April 30; Jefferson, May 8; Harrison, October 2; Belmont, October 10; Monroe, October 18; Noble, October 26.

COURTS OF COMMON PLEAS.

Muskingum, February 28, June 5, November 6.
Morgan, April 3, July 10, October 24.
Tuscarawas, February 21, July 17, October 30.
Noble, March 6, July 31, November 13.
Guernsey, March 12, August 6, November 19.
Belmont, February 14, May 22, October 24.
Monroe, March 12, July 16, November 21.
Harrison, February 28, May 28, November 27.
Jefferson, March 13, June 12, October 30.

NINTH DISTRICT.

DISTRICT COURT.

Stark, May 1; Columbiana, May 10; Carroll, May 16; Portage, September 4; Lake, September 10; Geauga, September 12; Ashtabula, September 17; Trumbull, September 22; Mahoning, October 3.

COURTS OF COMMON PLEAS.

Carroll, February 13, May 21, October 10.
Stark, February 27, June 4, October 22.
Mahoning, February 13, May 21, October 10.
Columbiana, March 5, June 4, October 29.
Portage, February 13, May 21, October 10.
Trumbull, March 5, June 4, October 29.
Lake, February 13, May 14, October 1.
Gauga, March 5, May 28, October 22.
Ashtabula, March 26, June 11, November 12.

TENTH DISTRICT.

DISTRICT COURT.

Wood, June 5; Putnam, June 8; Wyandot, June 11; Crawford, June 14; Hancock, June 21, Seneca, June 25.

COURTS OF COMMON PLEAS.

Seneca, January 16, May 7, October 22.
Wyandot, March 5, May 14, October 22.
Crawford, April 2, July 16, November 19.
Putnam, March 26, July 10, October 2.
Wood, February 21, May 1, October 23.
Hancock, March 12, May 29, November 13.

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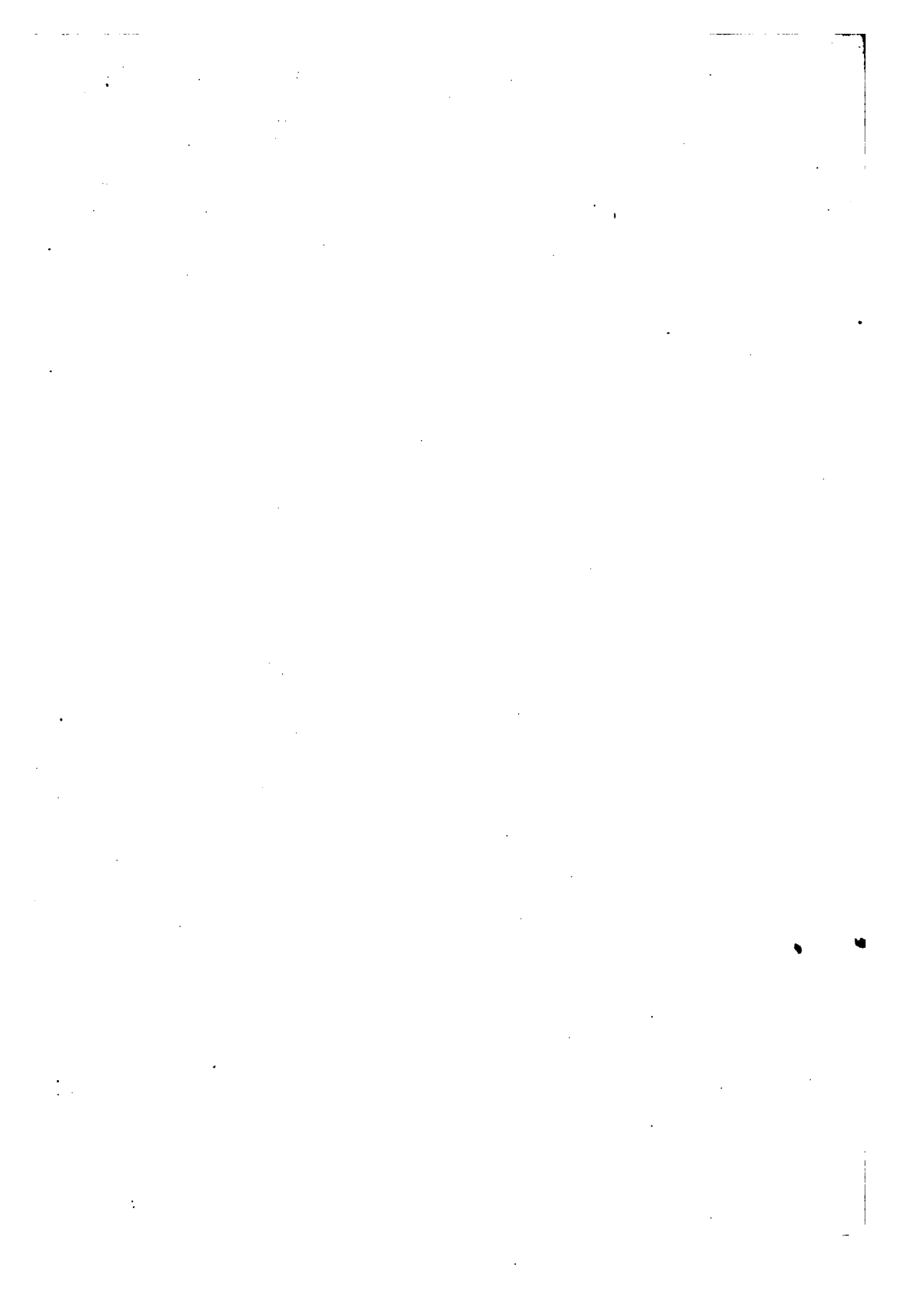
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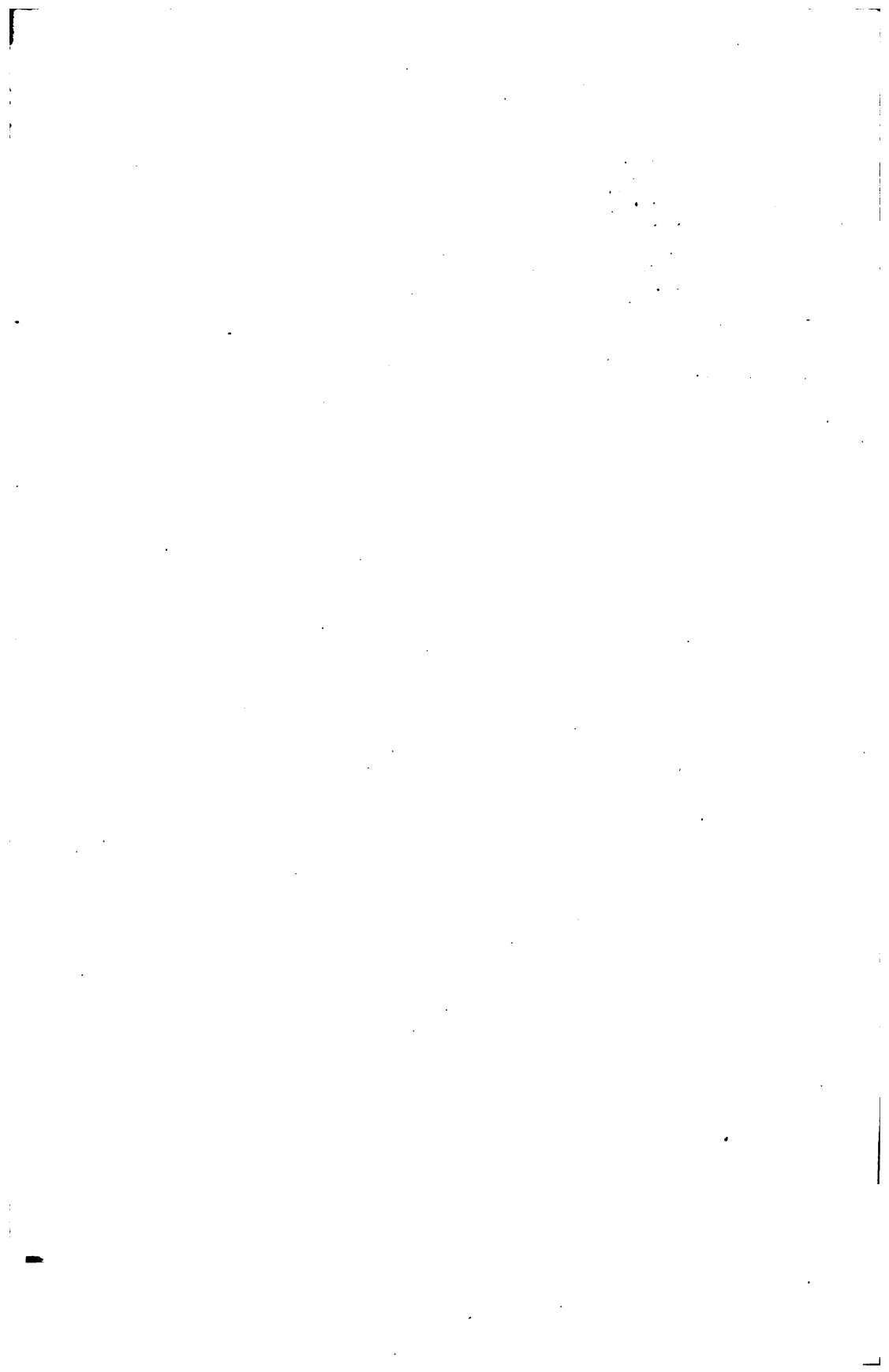
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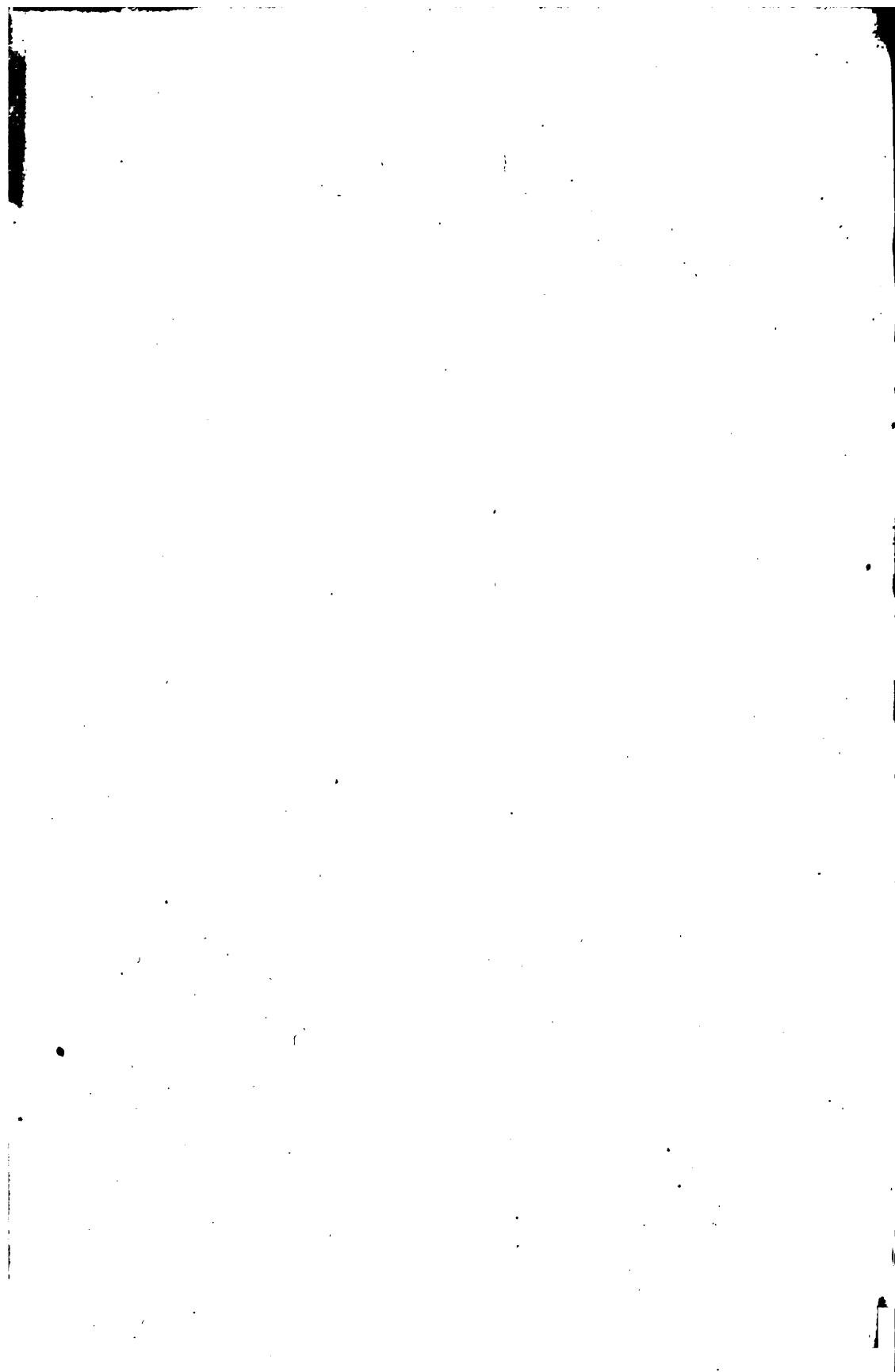
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